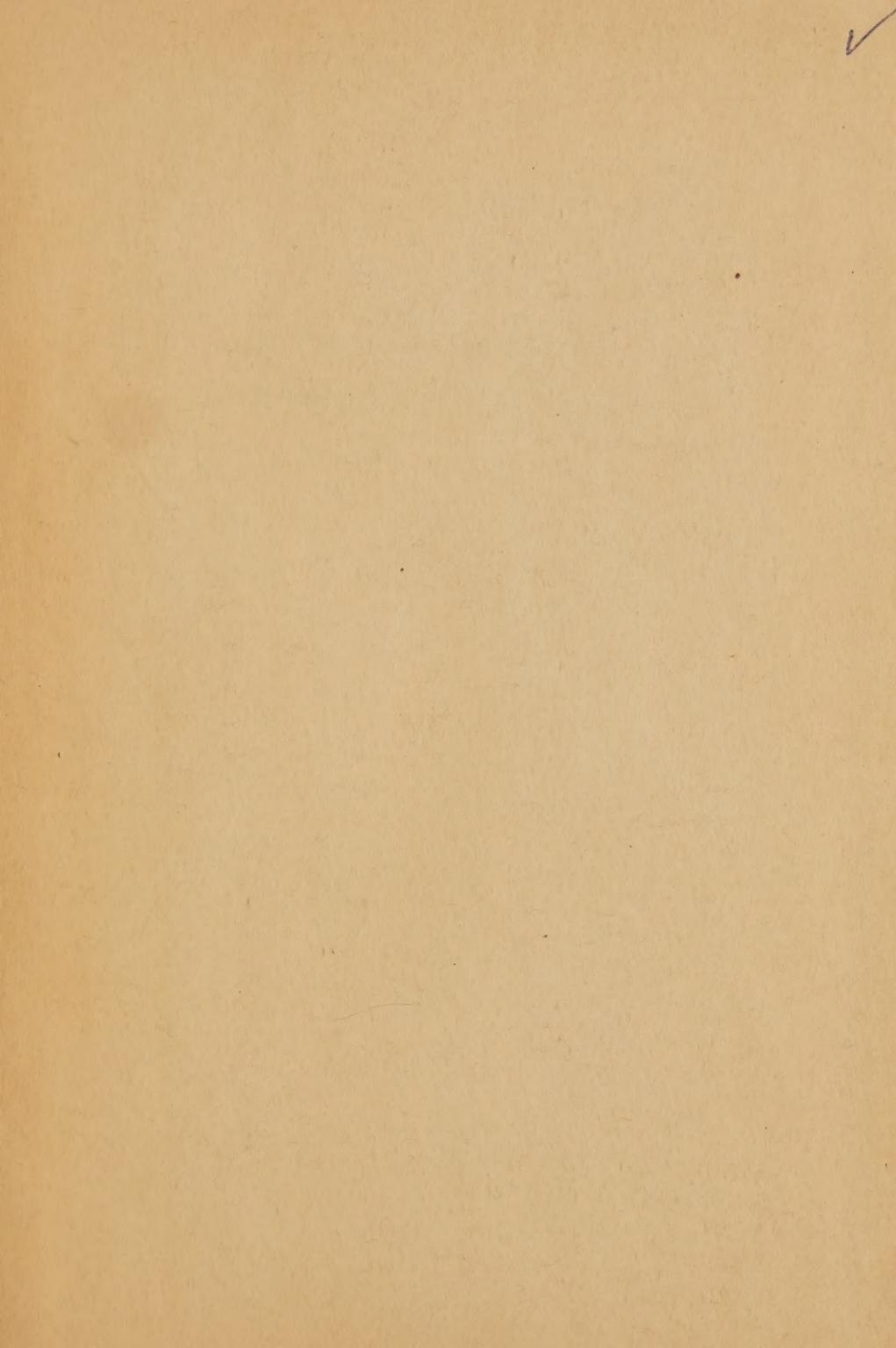


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THE  
**SOCIAL BACKGROUND**  
*of the OLD TESTAMENT*

BY DAVID JACOBSON, PH.D.



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TO  
DR. JULIAN MORGENTHORN,  
FRIEND AND TEACHER



## FOREWORD

This study is presented as Volume II of the *Hebrew Union College Alumni Publication Series*. Its author, Dr. David Jacobson is a graduate of the College of the class of 1934. During the two years following his graduation he carried on graduate studies at Cambridge University, England, in the Department of Semitics. While in England he came into close and stimulating personal contact with those distinguished anthropologists, B. Z. and C. G. Seligman. Their deep influence upon him is plainly manifest upon almost every page of this work. He was awarded the degree of Doctor of Philosophy by Cambridge University in 1936. This study was offered as the scientific dissertation for that degree. It has, however, for publication been carefully revised and considerably expanded from its original form. Upon his return to the United States Dr. Jacobson served for two years as Assistant Rabbi in the Reform congregation of Indianapolis, Indiana. Since 1938 he has functioned ably and with distinction as Associate Rabbi of Congregation Beth-El of San Antonio, Texas.

This work is a valuable study of the origins and early stages of development of the fundamental social institutions among various Semitic peoples of antiquity, with particular attention to the Hebrews, especially in that period of their cultural evolution of which the Bible is the principal record. It is

characterized by thoroughness of method, wide range of reading and sound preparation, and a commendable independence of judgment and conclusion, which have led the author not infrequently, in the logical development of his theses, to differ courageously with his teachers and to support his divergent views confidently and effectively. It merits the very careful study of all workers in the closely related fields of anthropology and sociology, and particularly of students of the sociological history of Israel.

The Hebrew Union College presents with pride this first scientific achievement of one of the ablest and most promising of its recent graduates, and views it as the bright augury of other, meritorious, scientific achievements to follow.

The publication of this volume, like all other volumes in this *Series*, is made possible by a generous grant from the Hebrew Union College Alumni Association.

JULIAN MORGENTERN, *President*

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It is impossible to put into words my debt to my wife, Helen.

D. J.



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THE  
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## CHAPTER I

MOTHER-RIGHT AND  
FATHER-RIGHT

## I. MOTHER-RIGHT

The word and the concept “mother-right” were first presented by J. Bachofen.<sup>1</sup> From the fact that a system of mother-right prevailed among several ancient peoples, he drew the conclusion that such a system everywhere preceded the rise of father-right. Bachofen tended to explain the mother-right as a consequence of the supremacy of women, and he constructed his theories on grounds which are not too convincing.<sup>2</sup>

Quite independently from Bachofen, J. F. McLennan set forth a mother-right hypothesis, derived from his studies in modern ethnology.<sup>3</sup> McLennan explained what he called “kinship through females only” as due to uncertain paternity resulting from early promiscuity or polyandry.<sup>4</sup> In both his first series and second series of the *Studies*,<sup>5</sup> McLennan described and named deviations from the monogamous, patriarchal marriage systems.

The two theories of Bachofen and McLennan were applied to the Semitic culture, and developed by subsequent writers. The first was G. A. Wilken;<sup>6</sup> a year later Robertson Smith published his important *Kinship and Marriage in Ancient Arabia*,<sup>7</sup> and soon most of the important scholars had accepted, in part

or in whole, the theory of mother-right as primitive in Semitic culture;<sup>8</sup> of particular weight were the opinions of Nöldeke<sup>9</sup> and Wellhausen.<sup>10</sup> Many have supported this view since, but perhaps none better than J. Morgenstern.<sup>11</sup> Probably the majority of contemporary scholars now accept the mother-right theory.

Puzzling is the fact that various writers assume different meanings of the term "mother-right" or "matriarchate." In the widest sense it means relationship reckoned after the mother (excluding the father), and the control by the mother over the family as well as over the clan and tribe. So does Bachofen understand the term, in which import the mother is the head of the group called "gynaikratie."<sup>12</sup> In the next wider sense it represents a condition in which the relationship is reckoned after the mother who rules the family. Robertson Smith<sup>13</sup> and Fr. Hellwald<sup>14</sup> so apply the term. In a narrower sense "mother-right" means either the control of the mother over the family<sup>15</sup> or relationship reckoned by the mother.<sup>16</sup> It is however in the most restricted sense of "relationship reckoned through the mother" that modern ethnologists use the word "mother-right" or "matriarchate." For, as H. Visscher says: "Facts show that the grouping together of mother-right and woman-government is a foolish arrangement. For it paradoxically appears that the status of woman in a patriarchal society is universally higher than in a matriarchal."<sup>17</sup>

An acceptable definition is W. H. Rivers': "Mother-

right is a form of social organization in which the rights of a person in relation to other members of his community and to the community as a whole are determined by relationship traced through the mother. In this condition the duties which a person owes to society, the privileges which he enjoys, and the restrictions to which he is subject are regulated, and their scope is determined, by the relations in which the person stands to his mother's relatives and his mother's social group. Mother-right is a highly complex condition in which a large number of social processes are involved."<sup>18</sup> Rivers gives as the chief elements of mother-right: (1) *descent*, a person belongs to the social group of his mother; (2) *kinship*, traced through the mother and (strictly) not recognized with the relatives of the father; (3) *inheritance*, from the mother. Although women sometimes may not hold property, they do form the channel by which it is transferred (e. g., property of man passes to his sister's son); (4) *succession to office*, e. g., by one's sister's child; (5) *authority*, usually not in mother, but in father, oldest member of family or mother's brother; (6) "*matrilocal*" *marriage*, in which the husband lives with his wife's people.<sup>19</sup>

A well-investigated matrilineal society is that of the Trobriand Islands which B. Malinowski has extensively reported.<sup>20</sup> There, he says, "descent, kinship and all social relations are reckoned by the mother only, and the women have a considerable share in the tribal life, in which they take the leading part in certain economic, ceremonial and magical

activities. The views about the process of procreation . . . affirm . . . that the child is of the same substance as its mother, and that between the father and the child there is no bond of union whatever . . . A father is considered a stranger.”<sup>21</sup>

Robertson Smith found it necessary to use a number of terms to describe types of matriarchal marriages, and these terms have come to be employed by Semitic scholars. From McLennan he borrowed the term, *beena* marriage, a regulated union “in which the woman remained with her kin and chose and dismissed her partner at will, the children belonging to the mother’s kin and growing up under their protection.”<sup>22</sup> *Mot‘a* marriage is the name he applies to a temporary unregulated union. “The *mot‘a* marriage was a purely personal contract, founded on consent between a man and a woman, without any intervention on the part of the woman’s kin . . . in *mot‘a* marriage the woman did not leave her home, her people gave up no rights which they had over her, and the children of the marriage did not belong to the husband.”<sup>23</sup> “For a type of connection, including *mot‘a* and *beena* arrangements, we ought to seek a name expressing the fact that the wife is not under her husband’s authority but meets him on equal terms . . . the type of marriage which involves no subjection may very appropriately be called *sadica* marriage, and the woman may be spoken of as a *sadica* wife, while the husband is a *sadic* husband.”<sup>24</sup> The marriages based on the system of male kinship Robertson Smith calls *ba‘al* marriage, and the wife

a *be'ulah*.<sup>25</sup> This type of marriage, he maintains, is a marriage of domination in which the wife has lost her freedom and is a subject of her husband.

In view of the widespread belief that the matrilineal system is the basis of the social structure of the Old Testament, and because of many misconceptions of the term "mother-right" as applied to the Hebrew culture, it would be wise to present some of the adduced proof of a primitive Hebrew matriarchate. Afterwards these arguments will be discussed in the light of an alternative primitive father-right.

*A. Primitive Promiscuity and Polyandry.* Bachofen, McLennan, L. H. Morgan,<sup>26</sup> and J. Lubbock,<sup>27</sup> first presented the theory that promiscuity was once prevalent amongst early peoples; and they were supported in their hypothesis of primitive promiscuity or community of wives by Fison and Howitt who first described the phenomenon of group marriage.<sup>28</sup>

Wilken,<sup>29</sup> McLennan,<sup>30</sup> Hellwald,<sup>31</sup> and others<sup>32</sup> maintained that there was an original connection between promiscuity and mother-right. Wilken, for example, says: "The origin of the matriarchate is to be found in the uncertainty of fatherhood. This last is the result of the lack of a legal marriage covenant in the primitive community life. It may be assumed that the matriarchate developed from hetaerism."

Robertson Smith elaborated this theory.<sup>33</sup> He cites as proof Strabo's assertion that polyandry prevailed in Arabia Felix:

All the kindred have their property in common, the eldest being lord; all have one wife and it is first

come first served, the man who enters to her leaving at the door the stick which it is usual for every one to carry; but the night she spends with the eldest.<sup>34</sup>

Glaser and Winckler believed they found confirmation of this statement in Sabaean and Minaean inscriptions.<sup>35</sup> According to Bukhari it was the custom of the pagan Arabs that several men cohabited with one wife, and that the latter nominated the father of any child to which she gave birth,<sup>36</sup> and he also mentions another form of marriage which consisted in a man's prostituting his wife to a noble person in order to get noble offspring.<sup>37</sup> Robertson Smith collected considerable evidence to show that polyandry was known in North Arabia and other parts of the Semitic territory. He said that "the former prevalence of the very grossest forms of polyandry . . . over all the Semitic area seems to be proved by the fact that absolute license continued to be a feature of certain religious rites among the Canaanites, the Aramaeans, and the heathen Hebrews."<sup>38</sup>

In certain savage tribes blood-brothers are said to have access to each other's wives.<sup>39</sup> There is also evidence that among the ancient Semites blood-brotherhood sometimes implied community of women.<sup>40</sup> So Wellhausen<sup>41</sup> and Robertson Smith<sup>42</sup> argued this must be a relic of "Tibetan" polyandry, similar to what Strabo describes.

Other proofs offered by Robertson Smith for primitive polyandry are evidences of incest and fictitious genealogies.<sup>43</sup>

According to Barton, there are no inscriptions or

other evidences of polyandry among the ancient Hamites, but he suggests that a relic of polyandry may be seen in the petition of some modern Dankali women for more than one husband apiece. As he says: "It is hardly probable that in a land where tradition and custom control the thoughts of everyone that such a request should have been made at all, if back of it there had not been some consciousness that the practice desired had once been in existence."<sup>44</sup>

S. Mercer argues that polyandry may have been practiced in Sumer because "we learn from an inscription of the reign of Urukagina that the ruler denounced it."<sup>45</sup>

Old Testament evidence brought forward to prove promiscuity, and inferentially to indicate polyandry and the matriarchate, is Gen. 35:22 (Reuben's intercourse with Bilhah), II Sam. 16:22 (Absalom's intercourse with David's concubines), I Chron. 2:18-24 (Caleb and Hezron both had relations with Ephrath?).<sup>46</sup>

*B. Mother Goddess.* Bachofen speaks of woman created "in the mortal image of the Mother of Earth, Demeter,"<sup>47</sup> and Robertson Smith expresses his belief that "it was the mother's, not the father's blood which formed the original bond of kinship among the Semites as among other early peoples, and in this stage of society, if the tribal deity was thought of as the parent of the stock, a goddess, not a god, would necessarily have been the object of worship."<sup>48</sup> He asserts further that goddesses were important among the primitive Semites, and not merely in the minor

role of wives. The Babylonian Ishtar particularly was in her oldest form a mother-goddess, "unmarried, or rather choosing her temporary partners at will, the queen head and first-born of all gods. She is the mother of the gods and also the mother of men, who, in the Chaldaean flood-legends, mourns over the death of her offspring."<sup>49</sup>

It is undeniable that the Astarte cult played an important role in Semitic religion.<sup>50</sup> There are many who therefore agree with Robertson Smith.<sup>51</sup> Barton suggests that "the most primitive known form of this cult (that represented in the Gilgamesh Epic) reflects the idea of a polyandrous society. A goddess who could give herself successively to the eagle, lion, horse, and to the hero Gilgamesh is surely but the deification of the type of woman which the Nair type of polyandry would develop. The eagle, lion, and horse are perhaps but totems of various clans, members of which the goddess is thought to have married. In pre-Exilic Israel these customs prevailed even unto the shrines of Yahweh (II Kings 23:7)."<sup>52</sup>

Ishtar has been identified with Mother Earth,<sup>53</sup> and the earth is supposed to have been considered originally as the mother of gods and men, even by the Semites.<sup>54</sup>

The Mother Earth concept was first presented by W. Grimm,<sup>55</sup> and many accepted his basic assumptions. A. Dieterich elaborated the theory that the earth as the genetrix of all and as the receptacle of all was an original form of primitive thought, and that this concept is the key to the understanding of

a host of primitive rites and customs among the most diverse peoples.<sup>56</sup> Then Nöldeke elaborated the idea with reference to the Semites.<sup>57</sup> P. Dhorme attempted to prove the same for the Assyro-Babylonians.<sup>58</sup> Vincent sought archaeological proof in the fact that in Palestinian Semitic graves the bodies are found in what seems to be the foetal position, thus symbolizing the return of the body to Mother Earth.<sup>59</sup>

While Nöldeke acknowledges that "the earth as Mother is not presented in the Old Testament in its original form," he affirms that "traces are readily observable." Gen. 2:7 "is only a monotheistic alteration of the original conception," and Gen. 3:19 he cites as confirmatory.<sup>60</sup>

*C. Biblical Indications.* Investigators have pointed to customs, grammatical forms, myths, history, etc., in the Old Testament as indicating a primitive mother-right.

In Hebrew as well as in some of the cognate languages the husband is said to "go in" to the bride, when as a matter of fact she is brought to him (Gen. 38:8, etc.). It is argued that originally the tent belonged to the wife and her children (Gen. 24:67; Judg. 4:17).<sup>61</sup> Similar in import is Gen. 2:24.<sup>62</sup>

Various marriages are cited as proof of *beena* marriage, particularly, (a) Abraham with his half-sister (Gen. 20:12); (b) Isaac in the clan of Laban and Rebekah (Gen. 24:5 ff., especially vv. 57 ff., 5b, 29 and 50, 53 and 55); (c) Jacob (Gen. 31:14 ff., especially vv. 15, 26, 43); (d) Dinah to Shechem, and her brothers' attitude (Gen. 34);<sup>63</sup> (e) Joseph with the

Egyptian princess, and the consequent adoption by Jacob of the children (Gen. 48:8 ff.); (f) Gideon with the Shechemite woman (Judg. 8:31; 9:1 ff.—Gideon's son Abimelech remains with his mother and Gideon calls his brothers "sons of my mother," Judg. 8:19); (g) the family of Saul — the five sons of Saul's daughter are regarded as belonging to Saul's own family (II Sam. 21:6, 8), David's marriage to Michal (I Sam. 18:17 ff.; 19: 11 ff.); (h) David and his family — his brother seems to be head of the household (I Sam. 20:29), David's nephews are called sons of his sister (II Sam. 2:18; 3:39; 16:10; I Chron. 2:16), there is no bar between Amnon and Tamar (II Sam. 13:2); (i) the Levite of Judg. 19:1 ff. had a concubine, possibly in a *beena* marriage (cf. Judg. 8:31).<sup>64</sup>

Many social institutions of the Old Testament have been taken to indicate *beena*, for example the right of the mother to name the child.<sup>65</sup> Morgenstern points out that in the *J* stratum the mother still provides the name (Gen. 4:25; 29:32, etc.).<sup>66</sup> Hosea and Isaiah are the first instances of the father's naming (Hos. 1:4, 6, 9; Isa. 8:3), but in both cases the names given are extraordinary. Not until the post-Exilic Priestly Code do we find the father regularly naming the child (Gen. 4:26; 5:3, 29; 16:15; etc.) and presumably playing the chief role in the attendant ceremony. Not until *P* also is childbirth regularly described from the standpoint of the father.<sup>67</sup>

Morgenstern maintains that in ancient Israel even up to a late date, kinship was traced through the mother; or at least kinship through the mother was

regarded as closer than through the father (cf. Deut. 13:7, which implies that the mother is the nearest relative; also Gen. 27:29; Ps. 69:9; I Esdras 8:93; 9:36).<sup>68</sup> Eve (*הַנָּה*) was possibly originally considered the mother of every *hay* (*הַיִלְלָה*); and the *hay* was the mother's clan.<sup>69</sup>

Morgenstern maintains that *beena* and *ba'al* marriages were co-existent in the Old Testament. He attributes the change to complete *ba'al* marriage as a result of the contact with Canaan and Phoenicia, the Aramaean Habiru, and the consequent acquisition of foreign women; *beena* persists in the North until the time of Gideon; and in the South until the time of David. What is more, the transition was very slow (Ezek. 22:11; Lev. 18:9; 20:17, Holiness Code).<sup>70</sup>

It was David, says Morgenstern, who first attempted to suppress *beena* marriage, and by taking Michal, his former *beena* wife, as a *ba'al* wife, he symbolically indicated that henceforth *beena* must give way to *ba'al*.<sup>71</sup> The resistance he must have received can be understood from the social pattern described in Gen. 34; for in this earlier case Dinah's brothers were so angry because *ba'al* marriage had been proposed by Shechem and this would have exterminated the clan living under conditions of *beena*. Indeed, to permit their sister to enter into a *ba'al* marriage would have been tantamount to allowing their sister to be treated as a harlot.<sup>72</sup>

Genealogical difficulties can be understood when it is realized that the transition from *beena* to *ba'al* would have been confusing, to say the least.<sup>73</sup> Robert-

son Smith claims that the primitive unity of blood was maternal and not paternal, which would explain the genealogical difficulties.<sup>74</sup>

Various grammatical forms have been taken to show mother-right; thus, אָחָת (Ahab, literally, perhaps, "father's brother") indicates an arrangement by which the son was to be "brother" or kinsman of his father or his mother, as the case might be.<sup>75</sup> Since the tribe as a whole in Arabic was spoken of as feminine, and since all collectives were thought of as kinds of tribes, Robertson Smith sees a relic of mother-right.<sup>76</sup>

*Beena* marriage among the Edomites is inferred from Gen. 36:2 where the Edomites are traced from the mothers (wives of Esau). Moreover no Edomite king has his son succeed him (Gen. 36:31–39; I Chron. 1:43–50), thus showing that the king was probably always succeeded by his daughter's husband. This also explains why David displaced Jonathan.<sup>77</sup>

## II. FATHER-RIGHT

The history of the mother-right theory and much of the Semitic evidence offered has now been outlined, although naturally some of the less important material has been omitted (but a few hitherto unmentioned points will be considered later). Many of the arguments and adduced proofs, Biblical and otherwise, fall of their own weight, and need not be further scrutinized. The remainder will be here discussed.

The matriarchal theory was first advanced by

sociologists; let us therefore consider their general attitude toward the question.

The great majority of ethnologists do not give precedence in development to the matriarchate.<sup>78</sup> B. Z. Seligman's observations are particularly enlightening:

What is now known as matrilineal descent and inheritance could hardly occur in the simplest society, for that implies a close bond throughout life between the respective families of brother and sister, consciously fostered by custom, so that the child of the sister becomes the man's heir. Such a condition implies a considerable degree of social organization and is usually associated with clan organization. In matrilineal society today the young child is brought up with its real parents, and Malinowski has shown how the ignorance of physical paternity in the Trobriands does not interfere with the affectionate interest a man takes in his children, so that even in a highly organized matrilineal culture this feature does not affect the young child.

It is not however only in matrilineal society that paternity is disregarded. Even when paternity is well-known, sociological rather than physiological factors often determine the descent of a child. Among many of the African patrilineal peoples it is neither marriage, maternity, nor paternity that clinches the matter, but the payment of the bride-wealth. Thus among the Shilluk, in questions of divorce the descent of the child depends entirely on the payment of the bride-wealth.<sup>79</sup>

*A. Primitive Promiscuity and Polyandry.* Westermarck devotes much thought and space to refute the theories of promiscuity.<sup>80</sup> It is not necessary to repeat

all his arguments, which are clear and reasoned, and based on impeccable documentation. He summarizes:

The evidence adduced in support of the hypothesis of promiscuity flows from two different sources. First, there are in books of ancient and modern writers notices of people who are said to live or to have lived promiscuously. Second there are certain customs which are assumed to be relics from an earlier stage of civilization where marriage did not exist.<sup>81</sup>

Legends of this sort can no more be regarded as evidences of primitive promiscuity than the second chapter of Genesis can be quoted in proof of primitive monogamy. They may be simply due to the tendency of the popular mind to ascribe almost any great institution to a great legislator or ruler, if not to direct divine interpretation . . . I have mentioned all the cases which are known of peoples said to live in a state of promiscuity. I think it would be difficult to find a more untrustworthy collection of statements. Some of them are simply misrepresentations of theories in which sexual laxity, frequency of separation, polyandry, group-marriage, or something like it, or absence of a marriage ceremony or of the word "to marry" or a marriage union similar to our own is confounded with promiscuity. Others are based upon indefinite evidence which may be interpreted in one way or another, or on information proved to be inaccurate. And not a single statement can be said to be authoritative or even to make the existence of promiscuity at all probable in any case.<sup>82</sup>

All instances which might induce us to accept a primitive promiscuity show only that promiscuity was the dominant form among a few groups, not that it was general. Promiscuity outside of marriage

in a few individual cases is no proof of promiscuity in marriage. As R. Hildebrand so well points out, what lies farthest from our present ethical conceptions and imperatives needs not necessarily be the oldest and the most primitive stage.<sup>83</sup> V. Zapletal, after examining the evidence, says: "There is indeed not one primitive people whose family relationships are based on promiscuity, or even point to it. The single family is in no way the result of civilization, but arises already on the lowest cultural stage as a rule without exception."<sup>84</sup> Opinions of anthropologists could be multiplied since the lack of evidence for promiscuity means that only opinions must clash with opinions, but it can safely be said that the burden of proof must yet be forthcoming which rests upon those who assert a primitive promiscuity.

Semitic polyandry is likewise suspect. Even Nöldeke observed that Bukhari, the Mohammedan theologian, could hardly have been a reliable witness as to the customs of Arabic paganism, and he sees in the supposed polyandry of Central Arabia merely a kind of prostitution.<sup>85</sup> Westermarck does not accept Robertson Smith's contention that licentious religious rites are survivals of earlier marriage customs.<sup>86</sup> So far as blood-brotherhood is concerned, Westermarck observes: "We must not look upon the so-called blood-brotherhood as an exact image of the real brotherhood. It is a covenant by which two men impose upon themselves mutual duties, which may even be more sacred than those of brothers toward one another; and the community of women may

serve to make the ties between them as intimate and binding as possible. If blood-brotherhood with sexual communism had been a mere imitation of actual brotherhood, why should that communism have ceased long ago in the case of real brothers and still survive in the case of blood-brothers?"<sup>87</sup>

Moreover, even should we admit polyandry among the ancient Semites, there is not necessarily any connection between this and mother-right. Indeed, the only similarity between the two is that the father in both cases is unknown. Starcke shows that polyandry is found among agnate groups.<sup>88</sup> Besides, matriarchal peoples usually are ignorant of the physiology of fatherhood. Now there is a difference between ignorance of the biology of fatherhood and ignorance of the identity of the father. All polyandrous groups have the possibility of father-right, because they know among whom the father is to be sought. Wellhausen remarks that a fraternal polyandry among the Arabs might not necessarily be primitive, because the ordinary individual marriage seems to have sometimes been looked upon as a luxury which poor people could not afford.<sup>89</sup>

Mercer admits that the evidence for matriarchy in Sumer is slight, and "in historical times, patriarchy was the rule, although the order 'female and male' in the old Sumerian hymns would perhaps point to an earlier period when matriarchy was common."<sup>90</sup>

*B. Mother Goddess.* Although the Mother Earth theory has had a great vogue, and is indeed the basis

of many of Sir James G. Frazer's hypotheses,<sup>91</sup> the whole question is quite uncertain. As E. Briem points out, not every instance of the earth as producer, especially of plants, is identical with the earth as the all-creating Mother; nor are the chthonic deities proof of a Mother Earth concept, since these deities are found where there is no trace of Mother Earth ideology; nor are mother- or fertility-goddesses necessarily to be identified with Mother Earth; nor are fertility rites a sign of the Mother Earth cult, for they may be only magical.<sup>92</sup>

Traces of Mother Earth beliefs are derived by exponents of the theory in three ways: (a) the mythological explanations of the creation of man, which, often in a late, altered form, are presumed to show reminiscences of the belief that man, together with the animals and plants, is born from the womb of earth; (b) rites and customs at childbirth and burial; (c) traits and characteristics of individual goddesses which indicate that these goddesses either have developed from a Mother Earth goddess, or have taken over traits from her; and in connection with this, traces in proper-names derived from words denoting the earth.<sup>93</sup>

Now there is no trace of Mother Earth in Semitic creation stories.<sup>94</sup> In all Semitic creation stories it is the deity who is the creator of mankind. Vincent's conjecture regarding the foetal attitude of the buried Palestinian child is no proof of a Mother Earth cult, since this is often the natural position of burial among primitives.<sup>95</sup>

Eresh-ki-gal (The Female Ruler of the Great Earth) is a chthonic goddess of the Sumerian-Babylonian religion, but she has nothing to do with Mother Earth; neither does Ninkharsag, nor Enlil.<sup>96</sup> It is true that often names compounded with *ki* (earth) are found, but where used, *ki* has the meaning of "land" rather than "Mother Earth."

But were the Semitic deities originally feminine? Little can be learned from the oldest Arabian personal names, which made up sentences of a religious character, but in which the sex of the deity was not specified.<sup>97</sup>

M. Jastrow says: "If one agrees with Barton in accepting a feminine Principle at least for the development of the religious consciousness among the Semites, one certainly goes too far. All indications lead to the opposite conclusion."<sup>98</sup> Even Wellhausen who has been cited for the opposite view, says, in reference to the early Arabs: "That the patriarchate is the later and the matriarchate the earlier system may indeed be supposed for good grounds, but not with definite proof. Ashtar is an ancient feminine goddess, but El is an even as ancient masculine one. This must be accepted, and also that the patriarchate goes back to the *Urzeit* among the Arabs and other Semites."<sup>99</sup>

But were there ever any Mother Goddesses among the Semites? Among the Babylonians, the goddess has no relation to the creation of men — either of a people, city, or tribe — as the male deity has. Only exceptionally does she stand in relation to a com-

munity group, and then never with the designation of mother.<sup>100</sup>

In the Old Testament, proper names formed with **מֵם** are non-existent, not even for Canaanite or Aramaean proper names.<sup>101</sup> A goddess may be called the mother of a city, as in the old Sumerian texts.<sup>102</sup> But this is only the tutelary goddess of the city, never the creator. As the tutelary goddess, she might well have arisen as the deified personification of the city, which is feminine (e. g., Hebrew, **רִאֵשׁ**; Phoenician, **קְרַת**). Moreover, many Semitic names for goddesses are secondary forms of the names of the god, indicating that originally there were probably no feminine deities among the Semites. The fact that the goddesses are found only among some of the Semites indicates that this was a borrowed conception without great influence. Robertson Smith attempts to prove that Leah and Sarah were the original eponyma corresponding to the later Levi and Israel;<sup>103</sup> even etymologically this is most uncertain.

Robertson Smith and Barton<sup>104</sup> maintained that Yahweh was originally developed from the Mother Goddess, and is a transformed Ishtar. Nielsen comments:

This view conflicts with all historical information, and is often refuted. But it hardly needs to be refuted, because it is based on a postulate which must first be proved. The matriarchate and the corresponding worship of a feminine divinity or a feminine head deity never existed among the Semites as far back as our historical records go. The postulated matriarchal goddess had to be a mother-goddess

with many children, but the naked Ishtar or Aphrodite was a childless goddess of love.<sup>105</sup> The unchaste goddess is neither native to Arabia, Egypt, Asia Minor, Assyria or Persia. She appears only in Babylonia and Syria, where her cult, it appears, greatly flourished about 1500–500.<sup>106</sup> She is not found in the Assyrian or in the Persian art... The numerous terra-cotta and alabaster figurines of the naked goddess generally belong to a late Babylonian period, but spread all over the Mediterranean coast and islands.<sup>107</sup>

Says Frazer, speaking of the Mother Goddess whom he postulates: "The fabulous union of the divine pair was simulated and, as it were, multiplied on earth by the real, though temporary, union of the human sexes at the sanctuary of the goddess for the sake of thereby ensuring the fruitfulness of the ground and the increase of man and beast."<sup>108</sup> Now, while it is undoubtedly true that the Ishtar cult in Babylonia was unchaste, there is no evidence for this most important feature of the Mother Earth rite among the Hebrews. Engert sees such obscenity indicated in two places in the Old Testament: (a) in the account of Tamar (Gen. 38:6–28) — but here Judah was not on the way to any sanctuary, but on a sheep-shearing expedition — and (b), in the institution of priestesses. But the evidence does not indicate that there were such priestesses.<sup>109</sup>

Jeremias and Westermarck find in temple prostitution no relic of a Mother Earth cult or primitive communism.<sup>110</sup> Westermarck's arguments are particularly cogent.

*C. Biblical Indications.* While the argument is often advanced by protagonists of the mother-right theory that one could hardly expect to find clear indications of a period of history in the remote past which have been subsequently suppressed, the self-contradictory statement is at the same time made that relics of the *beena* marriage exist even to post-Exilic times. Thus Morgenstern infers from I Sam. 20:29 that probably all the males returned to their own clans for celebration of the clan festivals. They could or could not return to their wives, as they wished.<sup>111</sup>

There are two general facts which must be recognized at the outset. First, that there are always deviations from the normal in every society. It would be comparatively easy to prove a matriarchal society in our present *milieu* by showing that some children live only with their mother, or take the name of their mother, or are named by the mother, or live with their parents-in-law, as has been proved for Biblical or post-Biblical times.<sup>112</sup> Second, the overwhelming evidence favors father-right in the Old Testament. Descent was traced through the father; **בָּעֵבֶד** is the term for husband. To such an extent did the Semite regard the patriarchal family as the norm of social organization that he thought of all mankind under this form. For him every nation was a family that had increased and multiplied and traced its descent from a single father, to whom the name of the people which he was supposed to have begotten was usually ascribed. Each of the tribes was

composed of the descendants of one of the sons of the eponymous ancestor of the nation. Each son of the tribal ancestor, in his turn, gave rise to one of the clans (*mishpahot*) of which the tribe consisted. Finally, each family or "father's house" (*bet ab*) constituting the *mishpahah* sprang from a son of the ancestor of the *mishpahah*.

It is true that we know comparatively very little of the Old Testament heroes; our information is derived almost completely from the Old Testament record itself. If indeed Jacob, for instance, represents a historical character or the prototype of a historical character, how can we tell why he went to live with Laban? The Old Testament of course is explicit; he left in order to protect his life. But if we reject this obvious explanation, who can say what the reason actually was? It might conceivably have been that he had no wealth and found it necessary to labour for a wife. Such a method of obtaining a wife is very common.<sup>113</sup> So did David get Michal for his services (I Sam. 18:27). Again, descent through the mother might conceivably have been due to the remission of the usual bride-wealth.<sup>114</sup> Thus David recognized Amasa, the son of his sister, as a member of his family (II Sam. 19:14), while Joab, on the other hand, who also was his sister's son, is reckoned outside David's family.

The whole question of cousin marriages and the classificatory system, which both Wilken and Robertson Smith maintain prove mother-right, has been contested.<sup>115</sup> Frazer shows how these two scholars

were mistaken in their primary premises.<sup>116</sup> What is more there is no evidence for a classificatory system in the Old Testament.<sup>117</sup> And Westermarck points out that "the classificatory terms for husband and wife lend no support to the hypothesis that they are survivals of sexual communism, but are more naturally to be explained as the result of the status of certain men and women as potential husbands and wives... For my own part I cannot help thinking that the endeavour hitherto made to use the classificatory terms of relationship as a means of disclosing the secrets of ancient marriage customs has, in spite of all the labour and ingenuity bestowed upon it, been a source of error rather than knowledge."<sup>118</sup>

Grüneisen and others see in Judg. 8:19; Gen. 43:29; Ps. 50:20; Job 19:17, etc., a matriarchal stage in historical times.<sup>119</sup> But each of these examples, as well as many previously cited, could occur quite innocent of any such meaning, and certainly can be explained because of polygyny, where naturally the uterine brothers are closer to one another. Judg. 9:1 ff. proves nothing except that one traces one's relationship both through father and through mother. As Pedersen says in regard to all abnormal marriages in the Old Testament:

It is natural that the children of such marriages must come to stand in a somewhat closer relationship to the mother than those born in normal marriages, but it would be an error to take cases of this kind as a proof that the matriarchate should have existed in a

people whose whole manner of thinking was so patriarchal as that of the Israelites. In reality the dominant feature of the matriarchate is lacking, viz., that the children are not reckoned as of the family of the father. The story of Abimelech, who was born of Gideon's wife at Shechem, begins as follows: "And Abimelech, the son of Jerubbaal, went to Shechem, unto his mother's brothers, and communed with them and with all the family of the house of his mother's father." (Judg. 9:1) Here Abimelech is characterized as the son of Gideon, in the same manner as it is said that she bore him this son, whom *he* named (8:31) and who must have lived outside his mother's family, or, in all probability, with the father. If further proof is required, his own mother's family is called a "father's house."<sup>120</sup>

Even the abnormal marriages are quite comprehensible. Gideon's alliance with the concubine at Shechem (Judg. 8:31) might have been due to his travels; he certainly did not live at the home of her father, so far as the record indicates. Apart from the fact that Samson's parents were displeased with his marriage (Judg. 14:3), Samson's irregularity in other matters is too notorious for any comment in this particular respect.

The private tent for the wife is a widespread Semitic custom<sup>121</sup> and need not occasion any query; naturally a man "comes in" to his wife's quarters.<sup>122</sup> That Leah and Rachel each have a tent (Gen. 31:33) is not a *beena* custom as Morgenstern argues, because for one thing the two women are living in the same community.

Not that the point is really material, but it can

be shown that the father does name the child and is present at the attending ceremonies in the earlier documents.<sup>123</sup> Of course even today among the Arabs the woman usually names the children.<sup>124</sup> On the other hand, among matrilineal groups we find men conferring the names.<sup>125</sup>

Much is made of the authority of the maternal uncle as evidence of mother-right. But, while there is no word common to all the Semitic languages for mother's brother there is for father's brother;<sup>126</sup> and it is the '*amm*', the paternal uncle, who merits greater respect.<sup>127</sup> Lowie remarks: "It is not permissible to treat a given example of avuncular customs in a patrilineal society as evidence of an antecedent matrilineal stage because their existence may have a quite different origin. On the other hand, it is a fact that the avunculate is fairly often lacking in matrilineal tribes."<sup>128</sup>

Perhaps the most overwhelming refutation of the entire mother-right theory is the fact that we hear of no blood revenge along matrilineal lines. Blood revenge, as will be shown in Chapter VIII, is a most ancient institution, difficult to control, and here if anywhere we should find traces of any original mother-right. But the records point only to patriarchal blood revenge.

It has been suggested by a number of contemporary anthropologists that the terms mother-right and father-right should be abandoned, since in many primitive societies there is a bi-lateral kinship.<sup>129</sup> Lowie says, "The classification into maternal, mater-

nal-paternal, and paternal systems, while not devoid of an empirical foundation, represents far more nearly a series of abstract logical possibilities than the normal actualities of primitive society.”<sup>130</sup> It is also true, as Malinowski observes, that “motherhood and fatherhood are never independent of each other.”<sup>131</sup> In the Hebrew civilization there seems to be no more justification for postulating mother-right than in our own. On the contrary, the fact that the father is dominant, or as Pedersen puts it, the Hebrew assumption that the soul of the man is the stronger,<sup>132</sup> carries important implications and has affected various institutions which will be discussed.

#### NOTES TO CHAPTER I

<sup>1</sup> *Das Mutterrecht*, 1861.

<sup>2</sup> Thus, in the introduction to *Das Mutterrecht*, he maintains that “the consistency of the gynaecocratic principle is borne out in the preference of the left over the right, commonly found among matriarchic peoples. The left direction belongs to the passive nature of woman while the right is characteristic of the active male . . . By no means less significant is a second expression of the same fundamental law, that of the predominance of night over the day born of her maternal womb . . . In antiquity already has the preference of night been associated with that of the left, and both have been placed in line with a dominant maternal influence . . . Pursuing this line of reasoning, we shall easily recognize the preference of the moon over the sun and of the receptive earth over the fertilizing ocean as the integral characteristics of an epoch that was primarily matriarchic. Added to these observations comes the preference of the sinister aspect of life, death, over its bright aspect of creation, the predominance of the dead over the living and of sorrow over joy.”

<sup>3</sup> *Ancient History*, 1st ser., 1868.

<sup>4</sup> *Op. cit.*, p. 88.

<sup>5</sup> Published, 1896.

<sup>6</sup> *Het matriarchaat bij de oude Arabieren*, in *Monatsschrift*, 1884.

<sup>7</sup> The same year, 1885, Wilken enlarged his theory in *Eenige Opmerkinger*.

<sup>8</sup> I am indebted to Prof. S. A. Cook for an excellent definition of "primitive," and it is in this meaning that I use it. By a primitive phase is understood that phase we can regard only as *developing* a further phase and not as a *development*. Cf. Unwin, *Sex and Culture*, p. 22.

<sup>9</sup> *ZDMG*, XL, 148.

<sup>10</sup> *NKGW*, XI, 432.

<sup>11</sup> *ZAW*, 1929, p. 91; 1931, p. 46.

<sup>12</sup> *Mutterrecht*, pp. 4, 6, 19.

<sup>13</sup> William Robertson Smith, *Kinship*, p. 74.

<sup>14</sup> *Menschliche Familie*, pp. 202, 214.

<sup>15</sup> Dargun, *Mutterrecht*, p. 142; Grosse, *Formen der Familie*, p. 11.

<sup>16</sup> Wilken, *Matriarchat*, p. 7; Engert, *Ehe und Familienrecht*, p. 8.

<sup>17</sup> *Religion und soziales Leben*, II, 108. Of course sociologists' opinions regarding mother-right definitions could be multiplied.

<sup>18</sup> *ERE*, VIII, 851.

<sup>19</sup> Westermarck (*Human Marriage*, I, 276) would not completely accept Rivers' definition. Thus he says, "Inheritance and succession, however, do not always follow the line of descent . . . there are cases of mother-right in which the property and rank are transmitted from father to son." Besides, "there can be no doubt that among most people with matrilineal descent the father is distinctly the head of the family, etc." "Thus the only permanent feature of 'mother-right,' as I understand it, is that descent is reckoned through the mother, not through the father."

<sup>20</sup> E. g., *Father in Primitive Psychology*.

<sup>21</sup> But J. H. Driberg, *At Home With the Savage*, p. 71, contests this last statement.

<sup>22</sup> *Kinship*, p. 86.

<sup>23</sup> *Op. cit.*, p. 84.

<sup>24</sup> *Ibid.*, p. 93.

<sup>25</sup> *Ibid.*, p. 92.

<sup>26</sup> *Ancient Society*.

<sup>27</sup> *Origin of Civilization*.

<sup>28</sup> *Kamilaroi and Kurnai*. Cf. Crawley, *Mystic Rose*, I, 250. For full bibliography see Westermarck, *Marriage*, I, 103, which gives list of those who share promiscuity theory. Add besides Hellwald, *Menschliche Familie*, p. 124; Th. Achelis, *Moderne Völkerkunde*, p. 421; Reitzenstein, *Urgeschichte der Ehe*, p. 21.

<sup>29</sup> *Matriarchat*, p. 7.

<sup>30</sup> *Anc. Hist.*, 1st ser., p. 92; 2nd ser., p. 55.

<sup>31</sup> *Op. cit.*, pp. 150, 166.

<sup>32</sup> Briffault, *The Mothers*, I, 614; Frazer, *Tot. Ex.*, IV, 139; *idem*, *FLOT*, II, 203, 229, 317.

- <sup>33</sup> *Kinship*, p. 158, etc.
- <sup>34</sup> *Geographica*, XVI, 4, 25.
- <sup>35</sup> Glaser, quoted by Winckler in *VBGF*, II, 81; Winckler, *Altorientalische Forschungen*, 2nd ser., I, 81.
- <sup>36</sup> Bukhari, III, 206, quoted by Wellhausen, *Ehe*, p. 460.
- <sup>37</sup> Quoted by Wilken, *Matriarchat*, p. 27.
- <sup>38</sup> *Kinship*, p. 206.
- <sup>39</sup> Frazer, *FLOT*, v. "Group marriage" in index.
- <sup>40</sup> Sachau and Bruns, *Syrisch-römisches Rechtsbuch*, pp. 24, 86; Bukhari, I, 114.
- <sup>41</sup> *Ehe*, p. 461.
- <sup>42</sup> *Kinship*, p. 160.
- <sup>43</sup> *Op. cit.*, pp. 3, 162.
- <sup>44</sup> *Sem. and Ham. Origins*, p. 105.
- <sup>45</sup> *JSOR*, I, 50.
- <sup>46</sup> Cited by Eberharter in *AA*.
- <sup>47</sup> *Op. cit.*, introduction.
- <sup>48</sup> *Religion*, p. 52 (and Cook's corresponding note, p. 516); *Kinship*, pp. 298, 304.
- <sup>49</sup> *Religion*, p. 56.
- <sup>50</sup> Cf. Cook, *Religion of Ancient Palestine*, pp. 99, 105, 123, 138, 146, 151.
- <sup>51</sup> E. g., Engert, *op. cit.*, p. 9; Hellwald, *op. cit.*, p. 355. Barton in *JBL*, XV, 168.
- <sup>52</sup> *Hebraica*, Vols. IX, X.
- <sup>53</sup> F. Steinleiter, *JSOR*, 1925, p. 221.
- <sup>54</sup> WRS, *Religion*, pp. 52, 107, 517 (SAC); T. Nöldeke in *AR*, VIII, 161; Baudissin, *Adonis und Esmun*, pp. 20, n. 1, 443, 505.
- <sup>55</sup> *Deutsche Mythologie*, I, 229.
- <sup>56</sup> *AR*, VIII, 1.
- <sup>57</sup> *AR*, VIII, 161. L. Kohler cites as additional evidence Matt. 3:9 (Luke 3:8); Ps. 87:5-6; 90:3,5, in *ZNTW*, IX, 77. R. Eisler cites II Esdras 5:43-55, in *AR*, XVIII, 596.
- <sup>58</sup> *AR*, VIII, 550.
- <sup>59</sup> *Canaan*, p. 269.
- <sup>60</sup> Nöldeke maintains that the original Mother Earth idea can also be seen behind the palimpsest of Job 10:9, 34:15; Eccles. 3:20; Gen. 18:27; Ps. 103:14; 104:29; Job 4:19; Eccl. 40:1.
- <sup>61</sup> WRS, *Kinship*, p. 199; Seligman, *Kababish*, p. 140, for other literature cited.
- <sup>62</sup> Morgenstern, *op. cit.*, p. 95, n. 4; WRS, *Kinship*, p. 207; Gunkel, *Genesis, ad loc.*
- <sup>63</sup> Cf. Lods, *op. cit.*, p. 12.
- <sup>64</sup> Morgenstern, *ibid.*, p. 91; WRS, *Kinship*, p. 207; Aptowitzer in *HUCA*, IV, 207.

<sup>65</sup> Morgenstern, pp. 94, 97.

<sup>66</sup> Cf. Wellhausen, *Ehe*, p. 478, n. 2.

<sup>67</sup> Cf. יְלָדֶת לֵי or יְלָדָה לֵי, and הַוּלִיד; the middle form is generally יְלָד לֵי, generally between *J* and *P*. WRS, *Kinship*, p. 131.

<sup>68</sup> WRS, *Kinship*, p. 94; Wellhausen, *Ehe*, p. 478, n. 2. Tabnith, King of Sidon, who reigned as late as the Persian period, seems to have married his father's daughter. *CIS*, Pt. I, Vol. I, No. 3, 11, 13–15. Barton, *Sem. and Ham.*, p. 104, says, "Clearly therefore there lay back of the ancient Israelites and Phoenicians a custom of recognizing descent through the mother." Nöldeke, *Monatsschrift*, 1884, p. 304, reports Mandaean practice of designating person in religious rites as M, son of N (mother). Barton, *op. cit.*, p. 105, is of the opinion that kinship through the mother may be found among the Hamites. Evidence adduced is that several kings of the 18th dynasty did not have royal mothers. To secure the throne one king married a half-sister and had the daughter born of the marriage proclaimed princess before his death. Also, sons-in-law of Ikhнатон owed the throne to their royal wives. Also, some Egyptian contracts had names of mothers as well as of fathers. I. Goldziher, *ZDMG*, XLVIII, 360, points out that in many Mohammedan magic formulas the name is given as M son of N (mother); cf. Lods, *Croyance*, II, 19; Macler, *Correspondence épistolaire*, p. 8; Doutté, *Magic et Religion*, p. 108.

<sup>69</sup> For the plural of מִן is מִנּוֹת; Nöldeke in *ZDMG*, XL, 176; Morgenstern, *ibid.*, p. 95; WRS, *Kinship*, pp. 32, 208.

<sup>70</sup> Morgenstern, *ibid.*, p. 98.

<sup>71</sup> *Ibid.*, pp. 97, 100.

<sup>72</sup> It was David, says Morgenstern, who united the *mishpahot* to *sheba'im*. The *mishpahah* was the term for *beena* tribes; indeed *mishpahah* seems to be a technical term describing sexual relations in *mot'a* and *beena* marriage. The שִׁפְחָה is a female slave who may under certain conditions be used as a concubine (*Lev.* 19:20; *Ruth* 2:13). The parallel with the Arabic shows that a شَفِيْهَة is "one in whom was poured" (semen). The שִׁפְחָה refers to one who has entered *mot'a* or *beena* marriage; and מִשְׁפָחָה represents the offspring of such a marriage. בְּנָמָן is also a *beena* term, derived from בְּנָא and בְּנָמָן, and is the clan resulting from a *beena* marriage. A בְּנִישָׁה is a *ba'al* wife in a *beena* society. *Ibid.*, pp. 53, 56, 101, 104. WRS, *Kinship*, pp. 26, 41, suggests מִן to indicate the *beena* tribe; cf. I Sam. 18:18; Gen. 27:46.

<sup>73</sup> *Ibid.*, p. 109.

<sup>74</sup> *Kinship*, p. 143.

<sup>75</sup> *Ibid.*, p. 184.

<sup>76</sup> *Ibid.*, p. 32.

<sup>77</sup> Morgenstern, *op. cit.*, p. 107; V. Aptowitzer, *Spuren des Matriarchats im Jüdischen Schrifttum*, *HUCA*, IV, 207, adduce late evidence to show matriarchal tendencies. WRS, *Kinship*, p. 313, quotes Nabat-

aean and South Arabian inscriptions, as well as many other Semitic customs, etc., to show mother-right. Morgenstern also brings forward material of the Arabs and early Assyrians. See also discussion of Driver and Miles, *Assyrian Laws*, p. 136; Wellhausen, *Ehe*; Barton, *Sem. and Ham.*, p. 101; Lods, *Israel*, p. 191. It is of course possible to give only the most pertinent material here.

<sup>78</sup> So, e.g., C. N. Starcke, *Primitive Family*; Grosse, *op. cit.*, pp. 25, 32, 49; Visscher, *op. cit.*, II, 103; W. Schmidt in *Anthropos*, III, 1031; VII, 248; Westermarck, *Marriage*, I, 104; B. Z. Seligman in *BfP*, XXII, 262; Crawley, *Mystic Rose*, II, 230; R. H. Lowie, *Primitive Society*, pp. 171, 175; Malinowski, *Sex and Repression*, p. 263; E. S. Hartland, *Primitive Society*, p. 159.

<sup>79</sup> In *BfP*, XXII, 262.

<sup>80</sup> *Marriage*, Chaps. iii–ix. See also Unwin, *Sex and Culture*, p. 32; Malinowski in Needham, *Science, Religion, Reality*, p. 41.

<sup>81</sup> *Marriage*, I, 104.

<sup>82</sup> *Ibid.*, I, 106, 124.

<sup>83</sup> *Recht und Sitte*, p. 8.

<sup>84</sup> *Totemismus*, p. 157; cf. Lowie, *op. cit.*, p. 58; Crawley, *op. cit.*, II, 259; Eberharder, *op. cit.*, p. 20.

<sup>85</sup> *Monatsschrift*, X, 303; *ZDMG*, XL, 155.

<sup>86</sup> *Marriage*, III, 155, referring to WRS, *Kinship*, p. 206.

<sup>87</sup> *Ibid.*, III, 239.

<sup>88</sup> *Op. cit.*, p. 130.

<sup>89</sup> *Ehe*, p. 463.

<sup>90</sup> *JSOR*, I, 53, n. 34.

<sup>91</sup> *Magic Art*, I, 36, etc.

<sup>92</sup> In *AR*, XXIV, 179.

<sup>93</sup> *Ibid.*, p. 186.

<sup>94</sup> For the Sumerian see Poebel, *New Creation and Deluge Text*; Langdon, *Sumerian Paradise*. For the Babylonians, see Ungnad, *Religion der Babylonier*, p. 55; King, *Tablets of Creation*, I, 130; Jensen in *KB*, VI, I, 120. The Babylonian idea of the cohabitation of heaven and earth is only priestly speculation, and has nothing to do with natural beliefs. Briem, p. 190.

<sup>95</sup> King, *History of Sumer and Akkad*, p. 26.

<sup>96</sup> Deimel, *Pantheon Babylonicum*, No. 1012, 700. Jastrow, *Religion Babyloniens*, I, 360.

<sup>97</sup> Cf. P. S. Landesdorfer in *BZ*, III, 21; Nielsen, *Alt-arabische Mondreligion*, p. 7.

<sup>98</sup> *Religion Babyloniens*, I, 266. Barton later retracted, *Sem. and Ham. Origins*, p. 112.

<sup>99</sup> *Ehe*, p. 479.

<sup>100</sup> Eberharder, *op. cit.*, p. 362.

<sup>101</sup> Gray, *Studies in Heb. Proper Names*, p. 64, n. 2, rejects אֲחָתִים, אַמְּנִין, אַבְּיָאל, שָׁמָם, אַמְּנִין as improbable.

<sup>102</sup> Thureau-Dangin, *Königinschriften*, 82:1, 2; 110:20, 17; 140:q, 2; 147:i, 1, 2.

<sup>103</sup> *Kinship*, p. 34, n. 1.

<sup>104</sup> *Sketch of Semitic Origins*, p. 281.

<sup>105</sup> Cf. also Jastrow, *Religion Babyloniens*, p. 81; Jeremias, *AT im Lichte des alten Orients*, p. 107; KAT, p. 420; AO, X, 1, 41; KB, 6:4: 56.

<sup>106</sup> Ward, *Seal Cylinders of Western Asia*, p. 162.

<sup>107</sup> *Dreieinige Gott*, I, 364.

<sup>108</sup> *Magic Art*, I, 39.

<sup>109</sup> Hommel, *Aufsätze und Abhandlungen*, p. 30, says that among the Minaeans the priests and priestesses were called *lau'an* and *lau'atun*, but he makes no comment about feminine Hebrew Levites, as Engert implies in *Ehe und Familienrecht*. Nielsen's arguments in *Altar. Mondrelig.*, p. 192, that Miriam was a priestess, are very weak. Jeremias, *ibid.*, p. 271, is not plausible. Engert mentions Exod. 38:8 and I Sam. 2:22 but צבא is not clear; compare the versions. Löhr, *Stellung des Weibes*, is convinced there were no Hebrew priestesses.

<sup>110</sup> Jeremias, *AT im Lichte*, p. 110, n. 2; Westermarck, *Marriage*, I, 217.

<sup>111</sup> *Op. cit.*, p. 101, n. 3.

<sup>112</sup> Compare Anatole France's witty arguments in *My Friend's Book*, p. 265, proving that Napoleon I was a solar myth.

<sup>113</sup> Westermarck, *Marriage*.

<sup>114</sup> As Seligman suggests.

<sup>115</sup> *Kinship*, p. 103.

<sup>116</sup> *FLOT*, II, 261.

<sup>117</sup> Mrs. B. Z. Seligman, who has made a study of Semitic kinship and the classificatory systems, so states in private correspondence.

<sup>118</sup> *Marriage*, I, 271, 274.

<sup>119</sup> *Ahnenkultus*, p. 203.

<sup>120</sup> *Israel*, p. 76.

<sup>121</sup> Seligman, *Kababish*, p. 130.

<sup>122</sup> Jastrow, in *AJSL*, XV, 193, has a quite different explanation for Gen. 2:24. He says that originally the text read, "A man shall leave the animals and cleave to his wife." Barton, *Sem. and Ham. Origins*, p. 93, completely agrees. Of course the man is assumed superior in the *J* account; cf. Gen. 2:22.

<sup>123</sup> S. Herner in *BZAW*, XLI, 137, cites Gen. 5:29; Exod. 2:22 as *J* where the father names. See also Gen. 38:3; 29:34. Herner cites Gen. 41:51 f.; 35:18 for *E*.

<sup>124</sup> Burckhardt, *Bedouins and Wahabys*, I, 97; A. Musil in *Kultur*, XI, 8.

<sup>125</sup> Waitz-Gerland, *Anthropologie der Naturvölker*, II, 107.

<sup>126</sup> Seligman, *Studies in Semitic Kinship*, p. 64.

<sup>127</sup> Seligman, *Kababish*, p. 124.

<sup>128</sup> *Prim. Soc.*, pp. 162, 165.

<sup>129</sup> Lowie, *ibid.*, pp. 165, 171, 175, 182; Malinowski, *Sex and Repression*, p. 263; A. J. Richards in *Essays Presented to C. G. Seligman*, p. 267; Crawley, *Mystic Rose*, II, 230.

<sup>130</sup> *Op. cit.*, p. 165.

<sup>131</sup> *Sex and Repression*, p. 265.

<sup>132</sup> *Israel*, p. 76.

## MARRIAGE

## I. MARRIAGE BY CAPTURE

Closely allied to the mother-right theory and used as a necessary explanation for the transition to father-right is the hypothesis of *marriage by capture*. "Few theories of primitive society have had such a vogue as that of marriage by capture, yet few theories have been built on such slender foundations. The tinge of romance belonging to the hypothesis has no doubt something to do with its popularity."<sup>1</sup>

It was McLennan who argued that exogamy (the word was coined by McLennan) arose from female infanticide which he said "was common everywhere."<sup>2</sup> While sons were desired for their potential fighting strength and their bread-winning, daughters were only a source of weakness. As a result the daughters were killed. But then the balance of the sexes was disturbed and it became necessary for the tribes to prey upon each other for wives. After a while the prejudice arose against marriage within the tribe. Then the name of "wife would become synonymous with a subject and enslaved woman in the power of her captor or captors, and the name of marriage would be applied to a man's relation to such a woman as possessor of her. And since a subject or enslaved wife would, in the circumstances of the time, be attainable only through capture, marriage with a

woman of the same stock would be a crime and a sin.”<sup>3</sup>

McLennan mentioned the simulated resistance on the part of certain Bedouin brides as a relic of the unsuccessful struggle of the captured woman.<sup>4</sup> Robertson Smith was convinced that McLennan’s surmise in this regard was correct, and he followed McLennan’s lead to argue that “marriages of dominion were originally formed by capture and were still formed in this way down to the time of the prophet. Capture was afterwards supplemented by purchase, but the type of the marriage relation was not essentially changed by the introduction of this new method of procuring a *be’ulah* wife.”<sup>5</sup>

Robertson Smith cited a number of instances where women had been captured and then married, and he mentioned the report of a custom in which the bride declares that she would be disgraced if she allowed her husband to enjoy her favors in the encampment of her father and her brothers. This Robertson Smith takes to adumbrate a condition of marriage by capture.<sup>6</sup> Wellhausen, although he differs from Robertson Smith in his interpretations of specific marriage customs, as for example in that just cited, yet brings as evidence further cases of capture which result in marriage.<sup>7</sup>

Engert gives the following as survivals of marriage by capture among the Hebrews: (a) interdiction of marriage with a step-daughter (Lev. 18:17), the origin of which is the fear of the custodians of the marriageable daughters; (b) the legal rules of

Deut. 21:10-14 concerning marriage with a woman captured in battle; (c) the custom of the Tobias nights (i. e., restraint from intercourse for three days after marriage; cf. Tob. 3-8); (d) an account of the capture of damsels in Deborah's song (Judg. 5:30); (e) the marriage procession (?) of Judg. 14:11 (cf. also Matt. 9:15; John 3:29, etc.).<sup>8</sup>

Little remains of the basis on which McLennan erected his thesis. Regarding the Australians, from whose customs McLennan believed he recognized marriage by capture, Messrs. Spencer and Gillen report: "Indeed the method of capture, which has been so frequently described as characteristic of Australian tribes, is the rarest way in which a Central Australian secures a wife."<sup>9</sup> Crawley notes: "When carefully examined, most of the old examples adduced as instances of marriage by capture turn out to be either mere inference of such, or cases of connubial and formal capture, or, as many of the cases of McLennan's, elopements."<sup>10</sup>

Westermarck has shown that

McLennan grossly exaggerated the prevalence of female infanticide in the savage world . . . and also the prevalence of marriage by capture. This method of obtaining a wife has been found in various parts of the world, chiefly as an incident of war or as a means of procuring a mate when it is difficult or inconvenient to get one in a peaceful manner; but among no people is marriage by capture known to be or to have been the usual or normal mode of contracting marriage . . . and even if we assume that there was a time when man did his best to capture a woman from an-

other community, it is obvious that where female infanticide was universally practiced many men could never have succeeded in their endeavors for the simple reason that there was not a sufficient number of women to be had.<sup>11</sup>

The Old Testament passages cited to prove marriage by capture can be quickly disposed of. The incest barrier as applied to the "step-daughter" stems most certainly from psychological motives rather than archaeological remnants.<sup>12</sup> Deut. 21:10-14 is straightforward; it relates to the possible marriage of a woman captive as an incident of war.<sup>13</sup> The rites of cleansing and mourning ordained for her were prompted by common humanity coupled with a Deuteronomistic tendency to point out the sanctity of Israel. The so-called "Tobias nights" are suspect *ab origine*. Not only are they strange to the Hebrew tradition, but they are not so much as mentioned in most of the extant versions of the Book of Tobit.<sup>14</sup> Judg. 5:30 refers to booty of war, as the particularly coarse phraseology shows (רָחַם רְחִמּוֹתִים). Judg. 14:11 as well as the New Testament passages are patently not concerned with forays for women.

## II. MARRIAGE BY PURCHASE

Whether marriage was effected by purchasing the girl from her father or guardian, or whether the *mohar*, *mahr* or *terhatu* was a gift to the girl to provide her with wealth is a question that is not readily answerable. Perhaps the truth is that these two con-

ditions were often merged, as is probable from the nature of the case.

The coalescence of the two ideas among the Semites is best shown by the confusion of the words *sadac* and *mahr* among the Arabs. In Islam, according to Robertson Smith, *sadac* simply means a dowry and is synonymous with *mahr*. At the time of Mohammed, however, *sadac* was a gift to the bride and *mahr* to the parents of the bride.<sup>15</sup> The difference between the two kinds of payment may be expressed by calling the first "bride wealth"<sup>16</sup> and the second "purchase price."

Robertson Smith maintains that the *mahr* was given to the family to compensate for the loss of the woman who was of great value to the family and group.<sup>17</sup> This also is the view of Van Gennep and others.<sup>18</sup> But as Crawley has well said: "This theory is open to a fatal objection, namely that according to it, under a system in which the husband leaves his own home to live with his wife's, the payment ought to be made by the wife or her family to the husband or his family. Whereas, Dr. Westermarck is able to adduce only a single example of the purchase of a husband, and that an artificial one."<sup>19</sup>

Before venturing an opinion of the underlying motive of the *mohar*, it would be well to understand what is implied by purchase, and to examine the Semitic evidence. The *first* type is the exchange of two members of two families. While there is no trace of this in the Old Testament, in ancient Arabia two fathers or two guardians might exchange their

daughters or the girls under their guardianship instead of giving the *mahr*.<sup>20</sup> Among the peasantry of Palestine the exchange of sisters as wives is not infrequently resorted to by poor persons.<sup>21</sup> *Secondly*, an impecunious groom might serve the family of his wife or intended wife. Here we are reminded of Gen. 29:19-28; Exod. 2:21; Josh. 15:16 f.; Judg. 1:12 f.; I Sam. 17:25; 18:25-27; II Sam. 3:14.<sup>22</sup> *Thirdly*, there is the payment of goods to the custodians of the girl (Gen. 34:12; Exod. 21:7; 22:15 f.; Deut. 22:28 f.; Ruth 4:5, 10). The value and the form of this payment vary according to the culture of the people, and the beauty, utility, and social class of the girl, and in inverse proportion to the degree of relationship (excluding of course the prohibited degrees).<sup>23</sup>

Biblical scholars are divided, but many affirm that the Old Testament indicates that marriage was effected by purchase.<sup>24</sup>

These Biblical passages are not too confirmatory of this view of marriage by purchase. Thus Gen. 31:15 which is a part of the *E* stratum of 29:18 ff. mentions as a reproach against Laban that he had spent entirely upon himself the money given him: "Why, he considers us foreigners to have sold us, and in addition he has completely devoured our money," Rachel and Leah cry bitterly. Besides, they say (v. 14), now that we have married, naturally we cannot be supported by our kinsfolk; you have defaulted with our wealth. Gen. 34:12 really begs the question of the definition of *mohar*, although the

possible gloss וְמַתָּן actually seems to explain *mohar* (מתן is never again used with meaning of "bridal gift"). Moreover Gen. 34 is a hopelessly difficult chapter.<sup>25</sup> Gen. 24:53 (*J*) specifically states that the gift was tendered to Rebekah; besides Rebekah is asked whether she wishes to go to marry Isaac (vv. 57 f.). Gen. 41:45b and Exod. 2:21, while they are concerned with the giving of the daughter in marriage, are vague and throw no light of explanation on the problem. Exod. 21:7 ff., in v. 7 probably does not refer to marriage, and v. 9, as Cook points out, seems to reflect the practice of giving the *mohar* to the daughter.<sup>26</sup> Exod. 22:15 f. and Deut. 22:28 f. are crucial verses. In the Exodus passages מֵהֶר is used both as a verb and as a noun. In Deuteronomy it is stated that the father of a violated girl is to receive fifty shekels. Deut. 22:28 is thus an elaboration of Exod. 22:15 (*E*), although this important distinction is to be drawn, that in Deuteronomy the money is paid as penalty for the wrong, and it seems to be given to the father as a sort of compensation for social injury (cf. Gen. 20:16); in Exodus it is not specified who is to receive the money should the father forbid the couple to marry. In both these cases, particularly in the Exodus passage, one seems to find a remnant of marriage by purchase in which the *mohar* is the purchase price. But it may not be so. If כִּמְהֹר בְּתֻלּוֹת is taken as an abstract noun like, say, בְּחֻרּוֹת of Eccles. 11:9; 12:1, or בְּתֻלִּים of Deut. 22:15, etc., meaning "virginity," then מֵהֶר הַבְּתֻלּוֹת does not refer to a definite price that

virgins bring to the father, but is rather a compensation that is paid for abduction, which is an entirely different legal concept (cf. Deut. 22:13-21). The difficult problem is the meaning of מָהָר (cf. also I Sam. 18:25), and although Robertson Smith maintains that "the etymological sense is simply 'price,'"<sup>27</sup> the matter is not so certain. The word is obscure and Brown, Driver, and Briggs derive it from a root meaning "missive" or "gift."<sup>28</sup>

Josh. 15:16 f. (Judg. 1:12) does not use the word מָהָר, and here regal prerogative does not indicate a custom. Moreover this account seems to reflect some geographical or genealogical problem needing explanation.

Ruth 4:5, 10 uses the word קָנָה for acquiring a wife. קָנָה need not necessarily mean "to buy"; in Ps. 74:2 it is parallel with לָמַד which meaning could very well apply here. Besides, the levir would not buy the wife in any case. כְּרָה in Hos. 3:2 does not mean "purchase" but it refers here to the hiring of a harlot, and not the price of a wife.<sup>29</sup>

Among the Arabs the matter is also uncertain. Wellhausen declares that in pre-Islamic times it was a custom that the *mahr* was given, not to the *weli* (father, brother, uncle of the bride), but to the girl. Moreover there were marriages without the payment of money or the *weli's* consent; the girl was betrothed under conditions which she herself set.<sup>30</sup> G. A. Wilken does not believe that the Arabian marriages were contracts by purchase.<sup>31</sup> G. Jacob<sup>32</sup> and Burckhardt<sup>33</sup> assert that the modern Aeneze Bedouins do not accept a marriage price:

Among the Aenezes it would be deemed scandalous, if the bride's father were to demand money, or what is called "the daughter's price" (*hakk el bint*); although such is the universal custom in Syria where every Turk, Christian and Jew pays for his wife a sum proportionate to the rank of the girl's father. Among the *Ahl el Shemal*, a father receives for his daughter the *khomse*, or "five articles" which however, become the wife's property, and remain with her, even should she be divorced . . . An Aeneze is permitted to bestow gifts on the object of his affections; nor is it reckoned indecorous for the girl to accept them. The lover sometimes makes presents to her father or brother, hoping thereby to influence them in his favor; but this does not often occur, the practice being reckoned disgraceful to those who receive such presents.<sup>34</sup>

On the other hand, the marriage by purchase is a custom among many tribes.<sup>35</sup> Whether this obtained in ancient times or was a subsequent development is not known.

It is customary to give a portion of the money received by the father to the girl. This is presumed by the Koran (Sura 4:3), but it is not always followed in practice. In the rural districts of Palestine, for instance, most — or at the least one-half — goes to the girl's father.<sup>36</sup> Sometimes the girl receives only one-fourth of the payment<sup>37</sup> or indeed nothing at all,<sup>38</sup> the money being divided between the father and the rest of the family: the brother, mother, paternal uncle, maternal uncle, paternal aunt, maternal aunt, paternal grandfather and paternal grandmother sharing in diminishing amounts in the order

given. But since, on the death of the father, the legacy is apportioned among the lawful wife and the children, we could not assert that the daughter has no share in the wealth.<sup>39</sup>

Granqvist, in her study of the modern Palestinian native, suggests that "the strongest evidence against the theory of wife-purchase is that a married man, in spite of the bride-price, has by no means absolute power over his wife. It is his duty to maintain her, but she can and does hold property over which he has no right of disposal. This is true both of property which she brings to the marriage and of what she earns while she is his wife."<sup>40</sup>

There is a close correlation between marriage by purchase and disregard for the woman's own wishes.<sup>41</sup> Among the Bedouins of Mt. Sinai, who do have marriage by purchase, no father thinks it necessary to consult his daughter before selling her, whereas among the Arabs of the eastern plain, the Aeneze, etc., according to Burckhardt, "the father never receives the price of the girl, and therefore some regard is paid to her inclinations."<sup>42</sup> Canaan, speaking of the "unwritten laws affecting the Arab women of Palestine," says: "Among the lower class the word *haqqha* (her price) is used instead of *mahr*. A girl is the property of the whole family. If she is sought in marriage, the father may decide for her; born as a maiden she is under his sole control. If the father is dead, the girl's eldest brother gathers together all near male relatives, and her marriage depends on their decision, and to this she must submit. Her con-

sent is asked, but this is only a formality, and usually her views carry no weight . . . The father or guardian has the right to give again in marriage a widow or a divorced woman."<sup>43</sup> But the Bedouins of the desert "differ entirely from all Mohammedan natives of Palestine in allowing their girls to accept or reject a proposal."<sup>44</sup>

Herodotus<sup>45</sup> and Strabo<sup>46</sup> report that the old Babylonians had marriage by purchase.

In the Code of Hammurabi (CH), the word *terhatu* is taken to be bride-price by H. Winckler<sup>47</sup> and Fr. Ulmer;<sup>48</sup> but others translate the word as "present to the bride."<sup>49</sup> Thus Meissner understands the word.<sup>50</sup> From CH, 139, 159–161, 163–164, 166 it would seem there was a purchase price, but on the other hand women had certain rights incompatible with marriage by purchase.<sup>51</sup> Payment was not universal (138 f.), and Koschaker explains this by suggesting that marriage by purchase had ceased to exist according to the Sumerian law, whereas it was retained in Babylonian law.<sup>52</sup> Moreover, the bride-price reverted to the husband if the wife died without having granted him children (163 f.); this would be inexplicable unless the *terhatu* sometimes at least meant bride-wealth.<sup>53</sup>

It is difficult to determine how completely the father controlled his daughter's marriage. Certainly he had great authority over his children, although Hommel believes that the mother's power was as great.<sup>54</sup> According to Meissner, a daughter was given in marriage by her father without consultation of

her wishes,<sup>55</sup> and Koschaker observes that a Babylonian woman was said not "to marry" but "to be married."<sup>56</sup>

From the Assuan Aramaic papyri we learn something of the later idea of the *mohar*, particularly in the case of the much-married Miphṭahiah.<sup>57</sup> In papyrus 15, a marriage contract, the groom attests to the father: "... I have given you as the price (מָהָר) of your daughter Miphṭahiah 5 shekels, royal weight. It has been received by you and your heart is content therewith. I have delivered to your daughter Miphṭahiah into her hand for the cost of furniture 1 karesh 2 shekels royal goods, the value being the sum of 6 kerashin, 5 shekels, 20 ḥallurin." Also papyrus 36 is a part of a marriage contract dealing with gifts to the bride; mention of the same goods as in 15 suggests that they were the customary goods. Cowley suggests in his note to 15 that "the five shekels of מָהָר was no doubt the legal sum to make the marriage valid. It was paid to the father, showing that he still had a legal 'patria potestas,' although Miphṭahiah had been married twice before, must have been well over thirty years old, and was able to conduct business in her own right."

Papyri 8:2 f. and 9:6 f. indicate that the daughter received a large share in the property of her father, which could not be taken or disposed of by the son-in-law, thus showing that provision was made to secure the wealth of the married daughter.

According to Talmudic law the mutual consent of the two parties concerned was manifested by a

ceremony called *kaseph* in which the man gave a piece of money to his bride (even a *peruṭah*, the smallest copper coin used in Palestine, was sufficient for the purpose) or any object of equal value, with a formula, beginning, "Be thou consecrated to me." But Mielziner thinks that the "formality was adopted from the Roman law, *coemptio*, and is not Hebraic by nature."<sup>58</sup>

The whole problem of bride-wealth and purchase-price is complicated by the fact that among all the Semites there were other concomitant gifts.<sup>59</sup> There was the gift made to the girl by the father (Judg. 1:15; Josh. 15:19; I Kings 9:16).<sup>60</sup> Abraham's servant presented gifts to Rebekah, and to her mother and her brother, who was Rebekah's guardian (Gen. 24:22, 47, 53). There was often a gift given by the groom to the girl's father among the Arabs, in addition to the *ṣadac*.<sup>61</sup> Then in CH we read not only of the *terhatu*, but also of presents (*nudannum*) which the bridegroom gave to the bride (150, 171 f.). Among the Assyrians there were various kinds of supplementary gifts also.<sup>62</sup> In Assuan the groom received gifts (15:15 f.), and many more instances could be given of these permutations.

This is the evidence. There seems to be no testimony that the money paid was used as a legal "capture" as Robertson Smith contends.<sup>63</sup> Neither is it easy to agree with Crawley that the institution arose from a sexual fear incorporated with a religious pattern.<sup>64</sup> Westermarck is of the opinion that "in many cases there is no justification at all for

such a term (marriage by purchase); and in others it may be used only if it is understood that girls are not sold by their relatives like chattels. The gift may be an expression of good-will or respect on the part of the bridegroom. It may be a proof of his ability to keep a wife. It may serve as a protection to the wife against ill usage and to the husband against misbehavior on the side of the wife.”<sup>65</sup>

In truth the problem is difficult. From the evidence here adduced, it seems most probable that fundamentally the *mohar* was bride-wealth,<sup>66</sup> but that — either because of the cupidity of the family, or because of their assurance that the daughter was well provided for — the money or goods paid primarily to the father to be transferred to the girl was often annexed by him, although sometimes with the reservation that it would be returned to the daughter after the death of the father.

### III. POLYGYNY AND MONOGYNY

It is quite possible, as Westermarck states, that although some practiced polygyny, the bulk of the population in ancient Israel lived in monogyny.<sup>67</sup> This however was probably because of economic considerations, since the Semite always desired numerous progeny. Cook argues that if polygyny was practiced by the kings (II Sam. 5:13; I Kings 11:1 ff.; cf. Deut. 17:17), the example was surely followed by the wealthy,<sup>68</sup> but we find no evidence for this; on the other hand, Nabal (I Sam. 25:3) and the Shunam-

mite woman's husband (II Kings 4:8 ff.) had but one wife; and Gen. 2:24 is certainly old (*J*). Second wives taken after childless marriages (I Sam. 1:2; Gen. 16:2, etc.) do not show that polygyny was general, because marriage without children was tantamount to no marriage. This assumption was a factor in the specific levirate laws. The fact that the common Semitic word for second wife is *הַרְצָא* shows at least that friction was the inevitable accompaniment of bigamy.<sup>69</sup> However, Deut. 21:15 does assume that a man may have two wives. Concubinage was much practiced.

Among the Arabs polygyny is usual,<sup>70</sup> and Mohammed found it necessary to limit the number of wives to four at any one time (Koran, 4:3; 33:48; 65:1-6), although he himself was exempt from this restriction (33:49). Since the Mohammedan can have only four wives abreast, he often is able to have many more tandem by the simple expedient of divorce.<sup>71</sup>

Mercer asserts that monogamy seems to have been the typical Egyptian rule. In ancient Egypt "the king as well as the peasant could have but one legal wife. This may be fairly assumed from the nature of the ideal divine family, as well as from the early monuments which so often represent husband and one wife as the nucleus of the family. That concubinage was common is to be assumed, not only on the basis of general conditions characteristic of antiquity, but also because we find that in the Pyramid Texts reference is made to the mistresses of the Pharaoh even in the hereafter."<sup>72</sup> In the

Middle Kingdom "marriage normally consisted in the union of one man with one woman, but there were exceptions to this. The Pharaoh not only had his queen, but he also possessed a harem as well. It is also certain, though the evidence is limited, that polygamy was regularly practiced by others than the Pharaoh. There are stelae of the Twelfth and the Thirteenth Dynasties which show the custom in full swing, and corroborate what was assumed for the Old Kingdom."<sup>73</sup> In the Egyptian Empire, "marriage normally consisted in the union of one man and one woman, and polygamy was exceptional. Amoni, a nobleman in the reign of Amenemhet II had two wives, and Rameses II had two royal consorts, but there is no evidence that such polygamy was common. It was usual for a rich Egyptian to have a harem which usually consisted of concubines and slave wives, but these wives were never placed on the same level with a man's consort."<sup>74</sup> Gardiner,<sup>75</sup> Erman,<sup>76</sup> and Herodotus<sup>77</sup> assert that polygyny was permitted in ancient Egypt though it was not frequent.

In ancient Babylonia a man was permitted to have more than one wife and even to marry two sisters.<sup>78</sup> What was more usual was for a man to take a concubine. The concubine was a free woman, but had not the status of a wife, although she had the same rights over her family gift as a legal wife (CH, 137). Barrenness furnished the husband an excuse for taking a concubine, but if the barren wife gave her husband a maid, he could not take a con-

cubine.<sup>79</sup> In early Babylonia slave wives were common, but if such a wife bore children to her husband, she was to be freed upon his death (CH, 171). In later Babylonia, "monogamy continued to be the norm, a stipulation occurring to the effect that if a man takes another wife, the first wife returns home with her marriage portion. In this we have evidence of stricter views about monogamy than at earlier periods, but yet polygamy existed, as well as concubinage, although it was becoming less and less common."<sup>80</sup> The Code of Hammurabi assumes monogamy unless the wife is childless (CH, 145, 148). In Assyria, monogamy was the rule, but polygamy was well known.<sup>81</sup>

The Assuan papyri presuppose monogamy. 6:4, 5 reads, "you and your wife and your son"; 7:5, 8, "and struck my wife." 9:6 also refers to the wife in the singular, and the marriage contract which is papyrus 15 implies monogamy; polygyny is nowhere mentioned.

In the Talmudic period monogamy was the rule. None of the rabbis is mentioned as having married more than one wife at a time. Still, polygamy was legally possible, and the provisions of the Talmudic law often allude to cases in point. Rabbinical enactments made polygyny as difficult as possible, but it was not until the beginning of the eleventh century that polygyny was expressly interdicted,<sup>82</sup> and it occurs among Jews living in Mohammedan countries to this day.<sup>83</sup> Children have always been a prime desideratum of marriage, and even today Jewish

law sanctions the divorce of a woman for her barrenness.

Thus we note the general tendency of Semitic and Hamitic polygyny to be replaced by monogyny, as the social life becomes more complicated and competitive. But we also see a constant provision that children be born to the father. It will be of interest later to determine why children were deemed so necessary for the full life of a man.

#### IV. COUSIN MARRIAGE

Among the Arabs as well as among other Semites and Hamites, it seems to be a rule that a man has a prior right to the hand of his father's brother's daughter (his *bint 'amm*), and he can obtain her in marriage for a smaller sum than he would have to expend to provide for any other wife.<sup>84</sup> A proverb runs, "The cousin may take (the bride) down from the mare," meaning that the cousin can carry her away by force from the bridal procession. And another maxim: "Follow the circular (i. e., the normal) path, even if it is long, and marry your cousin even if she is a miserable match."<sup>85</sup> Wilken points out that this marriage is so common that an Arab will term his father-in-law '*amm* even when he is not a kinsman, and will call his beloved *bint 'amm*, even though she is no cousin at all.<sup>86</sup> It is exceptional when cousin marriages are forbidden as in the case when Manzur b. Zabban censured the son of his

daughter Hasan b. Hasan because he had married the daughter of his paternal uncle; Manzur said that healthy children could not develop from such a close marriage.<sup>87</sup> A. Kremer relates that Omar I once remarked to an assembly of the Koreish tribe that they were of small stature, whereupon they answered that customary marriage within the kin was the cause (i. e., cousin-marriage).<sup>88</sup> In Babylon the marriage of cousins was not common.<sup>89</sup>

In the Old Testament a number of cousin marriages are recorded. Esau married Basemath, the daughter of his father's brother Ishmael (Gen. 36:3). Isaac married Rebekah, the daughter of his paternal uncle's son (24:15). Jacob married Rachel and Leah, his mother's brother's daughters (28:2). Zelophehad's daughters married their father's brother's sons (Num. 36:11). Thus Jacob married his cross-cousins and the others their ortho-cousins.<sup>90</sup> The Arabic preference is for the ortho-cousin.

Wilken contends that this preference dates from the time when the father was unknown, and consequently the children of the two brothers did not realize their relationship.<sup>91</sup> Robertson Smith explains cousin-marriage as due to fraternal polyandry, so that the children would be unable to distinguish their individual fathers, and so would regard all the brothers indifferently as their common fathers.<sup>92</sup> But Frazer has shown these explanations to be fallacious, because in the case of Wilken's hypothesis, it does not explain why the cousin was preferred.

Indeed, closely regarded, the theory is self-contradictory; for if no relationship were recognized between the children of two brothers, how could a preference for the union of these children have occurred to anybody? Surely, the mere fact of the preference is a proof that a relation of some sort was known or believed to exist between the persons whose marriage was deemed desirable. Robertson Smith's answer also fails to meet the difficulty; for under such a system the children of the various brothers naturally regard each other as brothers and sisters, as indeed they all are on the mother's side and as some of them may be on the father's side also; hence, as brothers and sisters, they would not be marriageable with each other. And even when the polyandrous family split up into several families, each brother with a wife and children of his own, the old view of the relation between the children of the several brothers as themselves brothers and sisters would be likely to persist and to form a bar to marriage between them.<sup>93</sup>

Frazer's explanation of this preference for the ortho-cousin marriage seems sound (assuming of course that Semitic cousin-marriage was general). He is of the opinion that it originated not in the uncertainty, but in the certainty of fatherhood, and primarily for economic reasons, for "when property descended in the male line, men had an economic motive for marrying their daughters to their brother's sons in order to allow them to share the family inheritance. Under such circumstances it would be natural that a father should ask less for the hand of his daughter from his brother's son than from a stranger or even from his sister's son, who, under the system

of father-kin, would inherit none of his mother's brother's property and would not therefore have any advantage to offer as a match to his mother's brother's daughter.”<sup>94</sup>

Frazer's supposition of a primitive mother-right induces him, however, to suggest that the cross-cousin marriage must have preceded the ortho-cousin, and to explain the former type of marriage he resorts to an elaborate hypothesis of “sororate” which was an exchange of sisters.<sup>95</sup> There is no Semitic evidence for such an institution, and even if there were, as Westermarck observes, there is no reason for regarding this sororate as preceding cross-cousin marriage.<sup>96</sup>

Lowie observes that “where a man regularly weds the daughter of his mother's brother or of his father's sister, a maternal uncle will normally be his father-in-law, or a paternal aunt, his mother-in-law. Hence it is not at all remarkable that in many tribes practicing this form of marriage the men designate mother's brother and father-in-law by a single term and also have another single word for father's sister and mother-in-law.”<sup>97</sup> A very good proof that the cross-cousin marriage was not primitive is the fact mentioned before that there is no general Semitic word for mother's brother, and there is no one word either in Babylonian or Hebrew meaning “mother's brother,” nor is there a definite Semitic word for father's sister, as B. Z. Seligman has ascertained by a careful comparative analysis.<sup>98</sup>

## V. ENDOGAMY AND EXOGAMY

Endogamy is marriage restricted within the group; exogamy would forbid marriage between members of the same group. McLennan who first introduced the latter term and postulated female infanticide and marriage by capture, was followed by Robertson Smith,<sup>99</sup> Frazer,<sup>100</sup> and others who assumed a primitive exogamy for the Semites.

Rivers discusses the meaning of the word exogamy, and he asserts that the mistaken use of the term by McLennan has caused much confusion.

There are a few cases on record, though even about these we need far more exact information than we possess, in which it seems that people have to marry outside their tribe or other similar social group, but in the vast majority of cases for which the term exogamy is used the exogamous social group is not the tribe for which the term *clan* is generally employed.<sup>101</sup> When we say that a community possesses a clan organization, we mean that it is divided into a number of groups, the members of each of which must marry outside their group. If they must marry into some other group of their own community, we have to do with the practice of endogamy, the community as a whole being endogamous, while the clan within the community is exogamous. From this it will follow that exogamy and endogamy are not antithetical processes, but, where both exist, supplement one another.<sup>102</sup>

Robertson Smith admits that there is no direct evidence of exogamy among the Arabs,<sup>103</sup> and Frazer

thinks that prohibition of the marriage of ortho-cousins is the result of exogamous rules. But, as has been pointed out above, most Arab marriages and a number in the Old Testament are indeed ortho-cousin marriages. These, however, Frazer regards as a later development, and he would cite the case of Jacob's marriage. But there are no grounds for believing that this marriage was the primitive type; and more to the point, Jacob's marriage is not a true cross-cousin marriage, because — due possibly to the limited number of characters in the patriarchal legends — Rachel and Leah were indeed paternally related to Jacob through Nahor on the side of his grandfather Abraham.

As has been shown before, there is a distinct Semitic desire to marry within the group.<sup>104</sup> Abraham tells his servant expressly that he shall seek out his wife, מולדת, his משפחה, and his אב. בֵּית אָב. We meet the same pattern in the story of Jacob, and even in the Book of Tobit. Moses ordered the daughters of Zelophehad to marry men of their father's so that the inheritance should remain in the מטה משפחה of their father.

The policy governing extra-Israelitic marriage sometimes changes. It is possible that the code is transgressed occasionally, especially by kings on the alert for *mariages de convenance*. When marriage with an alien was interdicted it was because of religious, not ethnic reasons (cf. Deut. 7:4, "For he will turn away thy son from following Me, that they may serve other gods").

Even Judg. 3:6 and Gen. 38:2 regard alliances with Canaanites and other out-groups as quite natural. In the post-Exilic genealogy of David is the name of Ruth the Moabitess (Ruth 4:22); and David himself married a daughter of the king of the Geshurites (II Sam. 3:3). Solomon is recorded to have married not only the daughter of Pharaoh but also Moabite and Ammonite princesses (I Kings 11:1); Ahab was the husband of the Tyrian Jezebel (I Kings 16:31); the two murderers of Joash were sons of an Ammonitess and of a Moabitess respectively (II Chron. 24:26). Israelitic women also married foreigners. Uriah was a Hittite (II Sam. 11:3); Jether, the husband of David's sister Abigail, an Ishmaelite (I Chron. 2:17, but compare II Sam. 17:25). In these instances the woman resided within Canaan; doubtless there were many instances, naturally unrecorded, in which the woman lived abroad; Hiram, the Tyrian craftsman, was the son of a Hebrew mother (I Kings 7:14).

Deuteronomy, as would be expected, forbids any marital alliances with Canaanites or other heathen peoples (Deut. 7:1 ff.; 23:4; Exod. 34:15 f. seem to be Deuteronomic). Exceptions are made for humanitarian motives in the case of foreign women taken in war (Deut. 21:10 ff.). Also, for what reasons we can only guess, the Edomites and Egyptians are more kindly received (Deut. 23:8 f.).<sup>105</sup>

The marriage rules of Deuteronomy were not too carefully observed in practice as can be seen from Ezra 9 and 10. Yet here as in Gen. 26:34 f.; 27:46;

34:21 and Judg. 14:3, marriage with aliens is condemned for religious reasons only.<sup>106</sup>

Within the group certain close marriages are sanctioned. Besides the levirate, marriage between uncle and niece is permitted, but not between aunt and nephew, although for what reason seems impossible to state with assurance.<sup>107</sup> Gen. 20:12 with its queer reflection in 26:7 instances the marriage of a man with his half-sister (father's daughter). II Sam. 13:13 seems to show more definitely that such a marriage could be contracted.<sup>108</sup> Ezekiel (22:11) condemns such unions, but it is obvious that he is speaking in hyperbole; in the Book of Jubilees marriage with a sister ceased with Kenan (4:14 f.). Of course such unions are forbidden by Lev. 18:9, 11. Lev. 18:18 prohibits marriage with the wife's sister during the lifetime of the former, but Jacob (Gen. 29:15 ff.) married Leah and Rachel, who were both daughters of Laban.

The Old Testament prohibitions are found in Deuteronomy (23:1; 27:20 ff.) and in the Holiness Code (Lev. 18; 20:11-21). Deuteronomy forbids sexual relations with step-mother,<sup>109</sup> mother-in-law, and sisters. The prohibitions listed in the Holiness Code are as follows:<sup>110</sup>

#### A. CONSANGUINITY

##### *a) In the Ascending Line*

1. Mother (Lev. 18:7)
2. Father (v. 7)<sup>111</sup>

*b) In the Descending Line*

3. Daughter (? implied in granddaughter)
4. Granddaughter (son's or daughter's daughter, v. 10)

*c) Collateral Consanguinity*

5. Sister and half-sister (either born in wedlock or not, ?, vv. 9, 11)
6. Father's sister (v. 12)
7. Mother's sister (v. 13)

## B. AFFINITY

*a) Through One's Own Marriage*

8. Wife's mother (v. 17)
9. Wife's daughter (stepdaughter, v. 17)
10. Wife's granddaughter (v. 17)
11. Wife's sister (during lifetime of wife, v. 18)

*b) Through Marriage of Near Blood Relatives*

12. Father's wife (step-mother ? v. 8)
13. Father's brother's wife (v. 18)
14. Son's wife (v. 15)
15. Brother's wife (except in the case of levirate ? v. 16)

The absence of any mention of union with one's daughter (unless implied) seems to point to a fragmentary state of this code; this is confirmed by the

uncompleted parallel of v. 7a; and the same recurring formula running through the articles of the code seems to preclude a combination of documents.

Besides these incest barriers there are marriage regulations applying to the divorced woman, the widow, and the priest. A divorced woman who has married again may not return to her former husband even if the second husband is dead (Deut. 24:4). The widow may remarry only after the levir has formally refused to take her (Gen. 38:9-12; Deut. 25:5-10; Ruth 3:13). The priest must not marry a harlot, profaned, or divorced woman (Lev. 21:7). Ezekiel (44:22) forbade marriage with a widow, unless she were the widow of another priest. But it is doubtful that Ezekiel echoed a current practice. Lev. 21:13 f. forbids the high priest to marry any but a virgin of his own people.<sup>112</sup>

Other Semitic marriage prohibitions are similar to those in the Old Testament. There are various endogamous rules observed by the Arabs. Marriage within the village served the purpose of strengthening the kinship tie.<sup>113</sup> Today in Palestine some Arab families will give their daughters only to members of certain families of the same social status.<sup>114</sup> "The Aeneze never intermarry with the szona,<sup>115</sup> handcraftsmen or artisans; nor do they ever marry their daughters to fellahs, or inhabitants of towns."<sup>116</sup>

There seems to have been much in-breeding among the Semites and Hamites. Among the Phoenicians, King Tabnith married his father's daughter, and at Tyre a man might marry his father's daughter,

down to the time of Achilles Tatius. The same kind of marriage occurred at Mecca; and a trace of this kind of marriage has survived to modern times at Mirbat.<sup>117</sup> Laws prohibiting certain types of incest in Babylonia have been taken to be remnants of in-breeding,<sup>118</sup> but every prohibition may not necessarily be a barrier to habitual practice. There is however a recorded marriage to a half-sister in Babylon at the time of Cambyses, and the same kind of marriage in Egypt.<sup>119</sup> Brother-sister marriage was a widely spread early Hamitic institution among the Pharaohs and Ptolemies;<sup>120</sup> and the consanguineous marriages were not limited to the royal family, or even to the aristocracy.<sup>121</sup> Even in the Old Testament such relations are punished with only a curse by Deuteronomy (27:22; Lev. 20:17 provides execution). Marriages with two sisters are recorded in ancient Babylonian contracts.<sup>122</sup>

Marriage between brother and sister was however prohibited in Babylonia (CH, 157); as well as relations between father and daughter (154);<sup>123</sup> between father and son's fiancée or bride (155 f.); between man and his mother (157);<sup>124</sup> between man and his widowed stepmother (? — but the penalty is light, 158).

Among the present-day Arabs the following are unlawful unions for a man: the mother, sister, paternal aunt, brother's or sister's daughter, wife's sister (the wife being alive and still the wife), mother and daughter together, and foster brother and sister. These prohibitions apply to the woman, *mutatis*

*mutandis*; moreover, she may never have more than one husband.<sup>125</sup> The Koran prohibits a man marrying his foster-mother or his foster-sister (4:27). While the Mosaic law does not specifically recognize adoption as a bar to marriage, there are no instances of such alliances.

The incest strictures seem to be universal in both time and space;<sup>126</sup> for this reason alone it is hardly necessary to develop a theory of a primitive Semitic exogamy to explain these incest laws. There are many other factors which make untenable the superposition of an original exogamy. To mention only one: the fact that Semitic languages generally make no linguistic distinctions between father's brother and mother's brother; between father's sister and mother's sister, and between the children of these relatives, contradicts this theory of primitive exogamy; for in the practice of exogamy, the brothers of the father must always belong to a clan different from that of the brothers of the mother, and so with the other examples mentioned.<sup>127</sup>

The reason for the incest barriers must be explained by the psychologists. It may be as Seligman suggests that all degrees of prohibited marriages can be looked upon as extensions of two primary incest laws, remembering in the case of the Semites that consanguinity to both sides of the family is recognized, though limited.<sup>128</sup> Exceptions to the strict controls among the Semites seem to be found more often in the brother-sister relation than in the parent-child relation, as is true of other societies.

## NOTES TO CHAPTER II

- <sup>1</sup> Crawley, *Mystic Rose*, II, 95.
- <sup>2</sup> *Studies in Ancient Hist.*, 1st ser., pp. 50, 75, 160.
- <sup>3</sup> McLennan, *ibid.* Similarly, Sir E. B. Tylor in *JRAI*, XVIII, 260; J. Kohler in *ZVRW*, V, 334.
- <sup>4</sup> Citing Burckhardt, *Bedouins and Wahabys*, p. 153; cf. Jaussen, *Coutumes des Arabes*, pp. 53, 55; T. Canaan in *JPOS*, XI, 192.
- <sup>5</sup> *Kinship*, p. 98.
- <sup>6</sup> *Ibid.*, pp. 89, 98.
- <sup>7</sup> *Ehe*, p. 442.
- <sup>8</sup> *Ehe und Familienrecht*, p. 18.
- <sup>9</sup> Native Tribes, pp. 104, 554; cf. E. Palmer in *JRAI*, XIII, 301; see for further bibliography, Frazer, *FLOT*, II, 200.
- <sup>10</sup> *Mystic Rose*, II, 96; cf. Lowie, *Prim. Soc.*, p. 22.
- <sup>11</sup> *Marriage*, II, 163.
- <sup>12</sup> Seligman, *Incest Barrier*; Freud, *Totem and Taboo*, *passim*.
- <sup>13</sup> Cf. Westermarck, *Marriage*, II, 253; such marriages are frequent among the ancient Semites; for Assyria, e. g., see Kohler and Ugnad, *Assyrische Rechtsurkunden*, p. 37.
- <sup>14</sup> For full discussion see Frazer, *FLOT*, I, 516.
- <sup>15</sup> WRS, *Kinship*, p. 93, etc.; Wellhausen, *Ehe*, p. 433.
- <sup>16</sup> Term suggested by Evans Pritchard. See *Man*, March, 1931, No. 42; November, 1934, No. 194.
- <sup>17</sup> Note how this contradicts his other ideas of the status of women, particularly his theory of mother-right.
- <sup>18</sup> Van Gennep, *Rites de Passage*, p. 170; Granqvist, *Marriage Conditions*, I, 133.
- <sup>19</sup> *Mystic Rose*, II, 138; Westermarck, *Marriage*, II, 431.
- <sup>20</sup> Wellhausen, *Ehe*, p. 433.
- <sup>21</sup> Wilson, *Peasant Life*, p. 110; Granqvist, *Marriage Conditions*, I, 109.
- <sup>22</sup> Cf. *PEFQ*, 1901, p. 76.
- <sup>23</sup> Cf. P. Baldensperger in *PEFQ*, 1894, p. 133.
- <sup>24</sup> So, e. g., Benzinger, *Archäologie*, p. 105; *idem*, in *EB*, p. 2942; Löhr, *Israels Kulturentwicklung*, p. 57; Oettli, *Gesetz Hammurapis*, p. 19; Cook, *Laws of Moses*, p. 78. Contrary to this opinion are Hamburger, *Realencyklopädie*, I, 256, 1228; Kraus, *Archäologie*, II, 465. Zschokke, *Weib im AT*, p. 56; Burrows, *Basis of Israelite Marriage*.
- <sup>25</sup> See Pedersen, *Israel*, p. 521, for full discussion.
- <sup>26</sup> *Laws of Moses*, p. 83.
- <sup>27</sup> *Kinship*, p. 96.
- <sup>28</sup> *Lexicon*, p. 555.
- <sup>29</sup> See also Burrows, *op. cit.*, p. 29.

<sup>30</sup> *Ehe*, pp. 433, 465, 467.

<sup>31</sup> *Matriarchat*, pp. 62, 71.

<sup>32</sup> *Vorislamischen Bedouinen*, p. 56.

<sup>33</sup> *Bedouins and Wahabys*, I, 108.

<sup>34</sup> See also p. 115, *ibid.*

<sup>35</sup> Musil, *Arabia Petraea*, III, 184.

<sup>36</sup> F. A. Klein in *ZDPV*, VI, 90; Jaussen, *Coutumes*, p. 49; E. Graf von Mülinen in *ZDPV*, XXX, 170.

<sup>37</sup> O. E. El-Barghuthi in *JPOS*, II, 59.

<sup>38</sup> Thomas, *Arabia Felix*, p. 191, n. 1. But this is exceptional and the father most avaricious. See Granqvist, *Marriage Conditions*, I, 132, who cites other authorities as well.

<sup>39</sup> Thomas, *ibid.*, p. 56; Seligman, *Kababish*, p. 131.

<sup>40</sup> Granqvist, *ibid.*, I, 145.

<sup>41</sup> Westermarck, *Marriage*, II, 311. But it must also be borne in mind that among the Semites the father had autocratic authority even over the son.

<sup>42</sup> *Op. cit.*, p. 149. So also among the Kababish, cf. Seligman, *Kababish*, p. 132.

<sup>43</sup> *JPOS*, XI, 177; see also Klein in *ZDPV*, VI, 88.

<sup>44</sup> Robinson Lees, *Witness of the Wilderness*, p. 120.

<sup>45</sup> *Historiarum*, I, 196.

<sup>46</sup> *Geographica*, XVI, 746.

<sup>47</sup> *Gesetze Hammurapis, passim.*

<sup>48</sup> In *AO*, IX, 11.

<sup>49</sup> Cf. Driver and Miles, *Assyrian Laws*, who also term the Assyrian *terhatu* (Middle Assyr. Law 38) a bridal gift.

<sup>50</sup> In *AO*, VII, 21.

<sup>51</sup> Thus see 142, 146 f., 151, 162, 164, 172a.

<sup>52</sup> *Rechtsvergleichende Studien*, p. 153.

<sup>53</sup> E. Cuq, in *RB*, II, 363, thinks that the *terhatu* was not the purchase price, but a development from the purchase price. Mercer, in *JSOR*, II, 57, thinks there were exceptions to the rule of purchase price.

<sup>54</sup> *Semitischen Völker*, I, 416. But B. Meissner, *Beiträge zum altabylon. Privatrecht*, thinks it was less, because she often is found in litigation with her children over succession.

<sup>55</sup> *Ibid.*, p. 15.

<sup>56</sup> *Op. cit.*, p. 119. But this is not a valid argument.

<sup>57</sup> Cowley, *Aramaic Papyri*. His numeration is followed.

<sup>58</sup> *Marriage and Divorce*, p. 78.

<sup>59</sup> Cf. Granqvist, *Marriage Conditions*, I, 126; Burrows, *op. cit.*, p. 48.

<sup>60</sup> Cook, *Laws of Moses*, p. 86, notes the suggestion these were technically termed מִלְחָמָה and sees a pun in Mic. 1:14 upon Moresheth, as though the betrothed.

<sup>61</sup> Westermarck, *Marriage*, II, 408.

<sup>62</sup> Driver and Miles, *op. cit.*, pp. 173, 179, 189.

<sup>63</sup> *Kinship*, p. 105, etc.

<sup>64</sup> *Mystic Rose*, p. 141.

<sup>65</sup> *Marriage*, II, 393.

<sup>66</sup> An Arab proverb runs, "Nothing protects the honour of a woman like land"—referring to the *mahr*. Granqvist, *Marriage Conditions*, I, 119. The woman herself is regarded as a gift, and "a gift is expensive . . . a gift always remains in favour." *Ibid.*, I, 110. Burrows, *op. cit.*, defends the thesis that the *mohar* was a gift and compensation to the family of the bride.

<sup>67</sup> *Op. cit.*, III, 41.

<sup>68</sup> *Laws of Moses*, p. 115.

<sup>69</sup> For general discussion see S. R. Driver, *Samuel*, to I Sam. 1:6.

<sup>70</sup> Granqvist, *op. cit.*, I, 3, where additional authorities are listed.

<sup>71</sup> Wilken, *op. cit.*, p. 18; Doughty, *Arabia Deserta*, I, 320; Baldensperger, in *PEFQ*, 1899, p. 140.

<sup>72</sup> In *JSOR*, II, 5.

<sup>73</sup> Mercer, *JSOR*, III, 2.

<sup>74</sup> *Idem*, *JSOR*, V, 36.

<sup>75</sup> In *ERE*, V, 481.

<sup>76</sup> *Life in Ancient Egypt*, p. 151.

<sup>77</sup> *Hist.*, II, 92.

<sup>78</sup> Cruveilhier in *RB*, 1917, p. 270.

<sup>79</sup> Mercer, *JSOR*, II, 57.

<sup>80</sup> *Idem*, *JSOR*, V, 86. Classification of CH into strata is undertaken by Jastrow in *JAS*, XXXVI, 1.

<sup>81</sup> Mercer, *JSOR*, IV, 3; Johns, *Assyrian Doomsday Book*, p. 26.

<sup>82</sup> Mielziner, *op. cit.*, p. 29.

<sup>83</sup> Greenstone in *JE*, X, 120.

<sup>84</sup> Wellhausen, *Ehe*, p. 436; WRS, *Kinship*, p. 163; Cook, *Laws of Moses*, p. 99; Goldziher in *Academy*, XVIII, 26; Burckhardt, *op. cit.*, pp. 64, 154, 272; Seligman, *Kababish*, pp. 132, 137; *idem* in *Man*, XV, 81; Burton, *Pilgrimage to Medinah*, III, 40; Rivers, *Kinship*, p. 79; Lane, *Modern Egyptians*, p. 170; Klein in *ZDPV*, VI, 84; Musil, *Rwala Bedouins*, p. 137; Thomas, *Arabia Felix*, p. 95; El-Barghuthi in *JPOS*, II, 59; Canaan in *JPOS*, XI, 178; Granqvist, *op. cit.*, I, 68, and other authorities she lists.

<sup>85</sup> El-Barghuthi, *JPOS*, II, 59.

<sup>86</sup> Wilken, *op. cit.*, II, 45; Seligman, *Semitic Kinship*, p. 62; Granqvist, *op. cit.*, I, 81.

<sup>87</sup> Wellhausen, *Ehe*, pp. 436, 441; Goldziher in *Academy*, XVIII, 26.

<sup>88</sup> *Kulturgeschichte des Orients*, II, 105.

<sup>89</sup> Cook, *Laws of Moses*, p. 100.

<sup>90</sup> Cross-cousins: children of a brother and a sister respectively.

Ortho-cousins: children of two brothers or of two sisters. Frazer, *FLOT*, II, 98.

<sup>91</sup> *Op. cit.*, II, 45.

<sup>92</sup> *Kinship*, p. 103.

<sup>93</sup> Frazer, *FLOT*, II, 262; cf. also Seligman, *Semitic Kinship*, p. 274, for further refutation of WRS thesis of fraternal polyandry.

<sup>94</sup> This view is supported by *Kitab al-agani*, ed. Bulak, VIII, 113, quoted by Goldziher in *Academy*, XVIII, 26. Granqvist, *op. cit.*, I, 76, says this is undoubtedly the reason for the cousin marriage, and she elaborates this view with much evidence.

<sup>95</sup> Frazer, *FLOT*, II, 263.

<sup>96</sup> *Marriage*, II, 68, n. 3.

<sup>97</sup> *Prim. Soc.*, p. 29; Seligman, *Sem. Kin.*, Pt. II; Unwin, *op. cit.*,

p. 439.

<sup>98</sup> Seligman, *Semitic Kinship*, *passim*.

<sup>99</sup> *Kinship*, p. 260, etc.

<sup>100</sup> *FLOT*, II, 221.

<sup>101</sup> With this Frazer, *Tot. Ex.*, would not agree.

<sup>102</sup> In *ERE*, VIII, 424.

<sup>103</sup> *Kinship*, pp. 215, 260.

<sup>104</sup> For the later Jewish preference for cousins, see *Eben ha-'Ezer*, XV, 17.

<sup>105</sup> Cf. Lev. 24:10 ff.; Gen. 41:45; Exod. 2:21, as against Ezra 9:1 f. and Neh. 13:23 ff. There was certainly intermarriage with Egyptians among the Assuan Jews. See 6:17; 15:2; 14:5; 53:2, *Aramaic Papyri*.

<sup>106</sup> Josephus, *Antiq.* 12:4:6 is too indefinite for any information. So also Tacitus, *Hist.*, V, 5.

<sup>107</sup> Mrs. B. Z. Seligman in private correspondence suggests: "It may simply be that the marriage between uncle and niece was looked upon as socially acceptable amongst patrilineal people, where the husband was usually older than his wife — or at any rate than his secondary wives — and if the niece happened to be his ward marriage with her might be a reasonable way of providing for her. The marriage between nephew and aunt may perhaps come in a different category. The aunt might already be potentially promised in marriage to the boy's father by means of the levirate, if by 'aunt' one means mother's sister." Undoubtedly both types of aunt are meant, and we do indeed find a marriage with father's sister: Exod. 6:20; Num. 26:59. Note that there seems to be no legal penalty for marriage with an aunt (Lev. 20:19 f.). Among the Jews there is some question whether the uncle is allowed to marry his niece. See S. Krauss in *Studies in Honor of K. Kohler*, p. 165.

<sup>108</sup> One might think this was a case of royal privilege, but there are other non-royal Semitic-Hamitic sister marriages.

<sup>109</sup> Cf. Gen. 35:22; 49:4; II Sam. 3:7; 16:22; I Kings 2:22, where such relations seem connected with inheritance and usurpation.

<sup>110</sup> Adapted from Mielziner, *Marriage*, p. 41.

<sup>111</sup> This is possible, assuming a fragmentary text. Gen. 19:32 ff. shows a strong aversion to such union.

<sup>112</sup> Also, the "mamzer may not marry into 'the assembly of the Lord'" (Deut. 23:3). Both terms seem to be technical, and we can only guess at their meaning today.

<sup>113</sup> Wellhausen, *Ehe*, p. 437; Granqvist, *op. cit.*, I, 63.

<sup>114</sup> Canaan in *JPOS*, XI, 178.

<sup>115</sup> This may have been because black slaves intermarried with the szona. Burckhardt, *op. cit.*, p. 182.

<sup>116</sup> Burckhardt, *op. cit.*, p. 110.

<sup>117</sup> WRS, *Kinship*, p. 192.

<sup>118</sup> Cook, *Laws of Moses*, p. 100.

<sup>119</sup> *Ibid.*, p. 97.

<sup>120</sup> Griffith in *ERE*, VIII, 444; Erman, *Ancient Egypt*, p. 153.

<sup>121</sup> C. G. Seligman in *JRAI*, XLIII, 635; Mercer in *JSOR*, II, 5.

<sup>122</sup> *Cuneiform Texts in the Brit. Mus.*, II, 44; Meissner, *Altbabyl. Privatrecht*, No. 89; Johns, *Laws, Contracts, and Letters*, p. 138.

<sup>123</sup> Cf. Hittite, II, 75b.

<sup>124</sup> Cf. Hittite, II, 75a; Zimmern-Friedrich in *AO*, XXIII, 2. Inbreeding seems to have been found among the Hittites.

<sup>125</sup> Baldensperger in *PEFQ*, 1894, p. 132; 1900, p. 182; Granqvist, *Marriage Conditions*, I, 64.

<sup>126</sup> But see Unwin, *Sex and Culture*, p. 341.

<sup>127</sup> Rivers, *Kinship and Social Organization*, p. 71.

<sup>128</sup> *Incest Barrier*, *passim*. An abhorrence of incest in any form was probably the basis of the law prohibiting "seething the kid in its dam's milk"; Exod. 23:19, etc.

## THE FAMILY

## I. THE FAMILY AS A UNIT

The early Hebrew family was far more complex than the later *bayit*, "household," which consisted of parents, adolescents, and servants. The families of the patriarchs, particularly that of Jacob, appear in complex relationships which extend far beyond the ordinary household. From *P* (Gen. 46:8-27; Exod. 1:5) we learn that Jacob's family consisted of four generations; according to *J* (Gen. 45:19; 46:5) and *E* (Gen. 42:37; 45:10) the family consisted of three generations living together. In Abraham's family, *J* (Gen. 12:4) mentions his nephew Lot, who was an adult, which thus implies at least one more generation. Thus also with Laban (Gen. 29). Obviously we see here the originally larger group of the family living together.

Even after the settlement, the members of the extended family must have dwelt together. Wellhausen notes that the ancient Arabs would settle on the same farmsteads, consisting of closely-adjoining dwellings, under the name *dar*.<sup>1</sup> That this obtained in Israel can be inferred from I Sam. 10; for Kish had not only his son Saul living with him, who was also a father, but in addition, Saul's uncle.<sup>2</sup> Judg. 17 and 18 presume that Micah's colony consisted of closely joined houses of near relatives (see especially 18:22). Even Deut. 25:5

assumes that adult brothers live near each other. Such colonies are called "families" even after they develop into large villages.

The family was patriarchal, and those who were full members of it were related by genuine or fictitious blood kinship. Besides the genuine kin the family also consisted of slaves and refugees. The name for the whole family is *mishpahah* (משפחה). *Mishpahah* is the name for both the original family unit and the later tribal group. Among the ancient Arabs also the family and the tribe were the only gradations of social organization.<sup>3</sup> Any intermediate stage was not adapted to the nomadic life. In the Old Testament too, (as in I Sam. 10:20 ff.) the social organization is sometimes listed, in descending order as tribe, family, and individual.<sup>4</sup>

Perhaps also the words 'am (אֵם) and *hay* (יָם) were used for "family." II Kings 4:13 employs 'am in the sense of "family"; and I Sam. 18:18, *hay*.<sup>5</sup> Perhaps it is from this word that *ah* (אַהֲרֹן) is derived, meaning "a member of a family," almost in a classificatory sense, as in I Sam. 20:29; Gen. 24:27; 29:15, etc.<sup>6</sup>

Generally, the patriarchal groups are called by *E mishpahah*, and by *bet ab* (בֵּית אָב). As a rule *bet ab* designates a small group of a family consisting of parents and mature children, and is therefore a component of the *mishpahah* (cf. Judg. 9:1; 6:15; II Sam. 16:5). Later the original meaning was lost, and *mishpahah* was used to designate any social group.<sup>7</sup> The Hebrew terminology is just as flexible as the Arabic.<sup>8</sup>

The permanent dwelling of Israel eventually brought about a disintegration of the original *mishpahah*, possibly because of raids. For self-preservation from the plundering nomads it became necessary to enlarge the limits of the *mishpahot* and to take in unrelated Israelites or even Canaanites.<sup>9</sup> Thus appeared the extraordinarily large *mishpahot* of the period of the Judges, of which we have two examples: Abiezer, the kin of Gideon, numbered three hundred warriors (Judg. 7:16; cf. 8:2); and the *mishpahah* of the Danites comprised six hundred warriors (18:11).<sup>10</sup> But these groups were probably no longer composed of kinsmen. It may be that these territorial unions superseded the family unions at the time indicated by these two examples. The *mishpahah* of the Abiezerites entered the city community of Ophrah,<sup>11</sup> while the *mishpahah* of the Danites became a small tribe, as can be seen from the changing terminology of Judg. 13:2; 18:1, 11.

As the family group became a territorial group, the mature males at marriage would probably leave the cities to found their own homes. So Gen. 2:24 seems to indicate. Naturally the unity of the original family was disrupted, and the weight now lay with the small family groups, the single *bayit* or *bet ab*. The breakup was not radical, for even here the family preserved certain family functions, notably the *ge'ullah*, "redemption."

When the family lived together all goods, especially immovables, were common property. Even when they lived apart, the unity still persisted in the late

periods of Israel through the *ge'ullah* institution. This consisted in the right and the duty of the members of the family to buy the land of the kinsman who was in financial straits (Lev. 25:24 ff.); and the example of Jer. 32 shows that this redemption, if not a legal obligation, was at least a moral duty. Redemption was effected by a formal legal procedure.

Num. 5:8 further indicates the duty of a relative to make restitution for property which a kinsman has stolen. The motive in both cases is that the property of one member of the family is the concern of all.<sup>12</sup> The use of the word *go'el* as "kinsman" is found in I Kings 16:11 and Ezek. 11:15, and possibly, with emendation, in II Kings 10:11 (cf. the Septuagint).

Originally the family's head was the patriarch who gave it his name. How great his authority was cannot be determined, although it has always been relatively weak among the Arabs;<sup>13</sup> but we see Judah controlling the fate of his daughter-in-law, and Jacob having power of life over his grandchildren (Gen. 42:37). Both these cases however are exceptional. As the family broke into the smaller units the father's authority was strengthened.

At the time of the monarchy, the larger family and its hold upon property became vitiated,<sup>14</sup> and even the use of the word meaning "family" indicates this. In Deuteronomy *mishpahah* is mentioned only once, 29:17, and here only in a minor connection. Gen. 12:3; 28:14; Amos 3:1 f.; Mic. 2:3, give *mishpahah* the same meaning as "people," which shows that later the word lost its original connotation. Of course

*mishpahah* is found in the legal literature, but then *P* preserves very old material.<sup>15</sup>

Originally each family had its own cultus and numen. Exod. 21:6 speaks of a family-god,<sup>16</sup> and 22:7 of an *elohim* to whom one accused of embezzlement must take an oath of non-complicity. It is certain that even with the strengthening of the Yahweh religion, the family gods remained, although they took on a Yahweh form (cf. Judg. 17:5). When common dwellings were abandoned, the center of gravity of this cult fell to the individual houses, as can be seen in the Passover ritual (Exod. 12) in which the head of the house played precisely the part of priest of the house. The story of David's hasty journey from Saul's court to his native Bethlehem, to celebrate there a family sacrifice on a particular day in the company of his kinsmen (I Sam. 20:6, 29) is undoubtedly but a continuation of the ancient custom. The same is true of the sacrifice for which Absalom repaired from Jerusalem to Hebron (II Sam. 15:7, 11 f.).<sup>17</sup> Although Jerusalem was the resting place of the ark and the royal cultus, Absalom went to his own birth place (II Sam. 3:2 f.), which was also the capital of the whole tribe.

In ancient times, each family had its own burial ground, where all desired to be buried.<sup>18</sup> Later, it appears, when the family and the family property were disbanded, the poor were buried in a public cemetery, and this carried a measure of humiliation (II Kings 23:6; Jer. 26:23). Part of Pashhur's punishment consisted in his interment in Chaldea and not

at home (Jer. 20:6); and the Chronicler, in contradiction to Kings, says that the wicked kings Jehoram and Joash were not buried in the Sepulchre of the Kings (II Chron. 21:20; 24:25).<sup>19</sup>

Although membership in one's particular family evoked great loyalty and pride,<sup>20</sup> courtesy, artificial kinship, and a looser use of the kinship terms sometimes ascribe relationship where there is none. As Cook says: "To form a correct estimate of the nature and the worth of Old Testament genealogies we must remember that the terms of relationship are used in a wider sense among the Semites than with us. When two or more clans have a traditional sentiment of unity and regard each other as brothers this may be a survival from a time when the groups formed but one; on the other hand, a historical tradition of a common ancestor does not always follow, since, according to Semitic custom, any covenant relation makes men brothers."<sup>21</sup> Pedersen mentions many instances where *ah* does not mean "blood-brother" and *ben*, "son," is employed broadly.<sup>22</sup>

## II. THE WIFE IN THE FAMILY

On the whole the wife is somewhat of an "outsider" in the patriarchal family, although there are many exceptions. Certainly one would not expect the wife's parents to exert much influence in the family, and yet here too the rule is not fast. From Judg. 9:1 we see that the relatives of the mother definitely do not belong to the family (cf. II Sam. 16:5), yet we note

examples of a man taking the name of the family of his wife (Ezra 2:61; Neh. 7:63) and the case of Sheshan (I Chron. 2:34 f.) who obtained sons through his daughter's marriage. The Seligmans report that among the Kababish the influence of the wife's family is felt strongly, but since the marriage with the *bint 'amm* is the rule, this is not too surprising.<sup>23</sup>

The wife is in an anomalous position in the family of her husband because she is not a secure member of either her old or her new household. According to the Holiness Code, the priest may not mourn for any but his nearest kin (Lev. 21:1 ff.) which does not include his wife. On the other hand, he may not mourn for his married sister (Lev. 21:1 ff.; Ezek. 44:25). This comports with the law in Lev. 22:11 ff. which permits the whole family of a priest to eat the holy food except his daughter if she is married to a man who is not himself a priest. The widow returns home, but not to her former status. Thus the daughter of a priest can only eat of the holy food if she is childless (Lev. 22:13). Tamar returned home, but her suspected infidelity was considered a crime against the family of her husband (Gen. 39:11, 24). Ruth's loyalty to her husband's family is exceptional. In ancient Arabia and in modern Palestine the wife is a stranger in the father's house and in her husband's.<sup>24</sup> However, in cases of blood revenge, the woman is reckoned in her father's group. Should the husband kill his wife who was originally of another tribe, his group must make atonement.<sup>25</sup> Should his wife be killed, her parents get the largest share of the blood money.<sup>26</sup> At the

death of her husband, the woman of ancient Arabia was not permitted to mourn the departed or tend the grave.<sup>27</sup>

The mother was more highly respected than the wife.<sup>28</sup>

Among the ancient Arabs the woman was altogether subservient to her husband, but his power was not unlimited. He could not sell her, but she could be given as a legacy to her step-sons. She was carefully guarded, but not so confined as under Islam.<sup>29</sup>

Today the Arabs speak of their wives as "my property" or "my granted right." A proverb runs, "He who pays his money can have the Sultan's daughter for his bride" (cf. Gen. 34:12). The words *amlak*, *imlak* for "marry," "marriage" are derived from the root meaning, "to rule over."<sup>30</sup> Some men boast, "My wife never left the house except to be carried to her grave."<sup>31</sup> The husband beats his wife often, and she can complain against him only at risk of death.<sup>32</sup> The women perform the lowliest tasks, which would be humiliating to men.<sup>33</sup>

The unchaste wife is executed, sometimes with torture; the father, the brothers and the husband decide her fate. Only the shedding of blood washes away the stain, and atones for the great humiliation suffered by the family. The male partner of her crime expiates with the payment of money or with the gift of girls to the husband and the parents.<sup>34</sup> The bride who cannot indicate the visible signs of her virginity (cf. Deut. 22:17) is immediately sent home to her relatives who are greatly dishonored.<sup>35</sup> The woman's

main object in life is to bear children, preferably males, for her husband. The idea of contraception seems to be abhorrent.<sup>36</sup>

Certain proverbs, however, do recommend kindly treatment of women: "Woman is a good and precious trust"; "Kindness to girls is better than forsaking them"; "None save the filthy beats a woman." Every effort is made to keep the women unmolested and free from interference and aggression.<sup>37</sup> During a raid the women are respected even by the most inveterate enemies; only a coward would strike a woman in battle, and the proverb goes, "The fleeing woman of the enemy is neither fought with nor spoken to." If women are ever carried away they are neither imprisoned nor enslaved, but are subsequently sent back to their people with deep respect. Marriages with such captives take place only with their consent.<sup>38</sup> This protection is of great value during the razzias, because the Bedouin women accompany the warriors and spur them on with fierce words and songs. Indeed they are sometimes asked to lead the raid, and they then stimulate their followers with courageous admonitions.<sup>39</sup>

A murderer may enter directly into the women's apartment, imploring the protection of the most influential among them, after which the male members of such a family are bound to offer the fugitive every help. It is important to note that if a man has killed one or more members of the family of a rival tribe and seeks protection for his life, he throws himself at the feet of the most influential woman, cover-

ing his body with her clothes. He is then absolutely safe.<sup>40</sup>

A woman's bride-wealth remains her own property; even her husband must not touch it. Therefore, following the proverb a bride tries to get all she can from her parental home, for "whatsoever comes not with the bride will not follow her." If a young man breaks off the betrothal, the girl may keep all the presents as well as the clothing bought with the advance on the *mahr*. Besides, everything earned by women by their own initiative belongs to the women. But the husband's property is sharply differentiated, and she may not dispose of anything without his express order; she must ask for the most trifling amounts to cover current expenses.<sup>41</sup>

The position of woman in Babylon was definitely higher, but at the same time her status was far from equality with the man's.<sup>42</sup> In Sumer, she could acquire and possess property and she could appear in court as a witness or as a principal. Further, she had the right to an alimony, often stipulated in the marriage contract. Should there be no such agreement, she had the power to summon her husband before the assessor and formulate her demands. The widow could take her dowry to her second husband.<sup>43</sup> Slander against a woman was severely punished, but faithlessness was most reprehensible (CH, 129-132, 153). Women enjoyed a similar status in early Babylonia.<sup>44</sup> This liberty continued even to the time of Nebuchadrezzar.<sup>45</sup> This relative independence of women was also found in Assyria.<sup>46</sup> In all the Egyp-

tian periods of history the women enjoyed a relatively important position.<sup>47</sup> In Assuan the woman could inherit (papyrus 15:17 ff.) or do business in her own right (10). Her husband inherited if she died childless (15:20 ff.); this shows she was able to possess property.

The relation between man and woman was generally of the same character throughout all the history of Israel.<sup>48</sup> On the whole the wife enjoyed a high position, but she never approached the status of the husband. He was the *ba'al* of his wife in the same way that he was the master of domestic animals and property; but he was never the *adon* as one may be the lord of a slave.<sup>49</sup> While the tenth commandment of Exod. 20:14 includes the wife in the husband's possessions, Deut. 5:18 mentions her first, making a distinction between her and the house, field, and servants.

There is no indication that the man could sell his full wife, although Abraham and Isaac gave up their wives (Gen. 12:10 ff.; 20:1 ff.; 26:6 ff.). The husband ruled over the wife (Gen. 3:16), and she was called by his name (Isa. 4:1). He could have his wife examined for infidelity (Num. 5:11-31), and she was executed if found guilty; but so was her consort (Lev. 20:10; Deut. 22:21-25). The man who violated a married, betrothed, or widowed woman was executed; but he was only punished for violating a maiden (Lev. 19:20-22; Deut. 22:28). Occasionally a woman took the initiative in matters pertaining to the household, but she had to act with circumspection, and even

with subtlety (Gen. 27:13 ff.; I Sam. 25; I Kings 21:8-14; II Kings 4:9 f.).

The position of the woman was far from insignificant.<sup>50</sup> The wife was able to entreat the deity, and her prayers were often answered;<sup>51</sup> she participated in the religious festivals and ceremonials;<sup>52</sup> she was not to practice idolatry;<sup>53</sup> she heard the reading of the Law;<sup>54</sup> she sometimes labored in the service of the sanctuary;<sup>55</sup> some women were prophetesses;<sup>56</sup> women were protected from sexual abuse.<sup>57</sup> Some women possessed chattels, whether widows,<sup>58</sup> or married.<sup>59</sup> Some women could dispose of property (Num. 30:9 ff.), and could dispose of the goods of the household.<sup>60</sup> The wife kept her own bride-wealth (Gen. 31:16), but if her husband lost his property and became a slave for debt, she went with him as a matter of course (Exod. 21:2 f.). She was always only her husband's helpmate, assisting in building up *his* house; it was her unfaithfulness that was punished; she belonged to her husband.<sup>61</sup>

Among the Semitic peoples the husband had, or still has, the legal right of repudiating his wife at will. Among the ancient Arabs, only the man had the right of divorce, and this on the most insignificant grounds.<sup>62</sup> Mohammed is said to have pronounced *talaq*, that is divorce effected by the husband, to be the most detestable before God of all permitted things, as preventing conjugal happiness and interfering with the proper bringing-up of children; but the ancient privilege of the husband was too thoroughly fixed in Arabian custom and too congenial to the natures of

the Prophet and his followers to be changed.<sup>63</sup> According to Koran decree, a husband may take a divorced wife back again twice, but if he gives sentence of divorce to her a third time it is not lawful for him to take her back until she shall have married and separated from another man (Sura 2:229 f.). Under Mohammedan law, the wife cannot divorce her husband, but she may take steps leading to the dissolution of her marriage, by giving up her bride-wealth or other property; or the couple may divorce by mutual agreement.<sup>64</sup> Divorce is so common among the Aeneze that separations often take place during the wife's pregnancy; and a woman is sometimes repudiated who has borne several children to her husband. He is not obliged to state any reasons for the divorce, nor does this circumstance reflect any dishonor on the divorced woman or her family; everyone excuses him by saying, "He did not like her." Perhaps on the very same day he betroths himself to another woman; but his repudiated wife must wait forty days before she can marry, as a pregnancy test.<sup>65</sup> The childless woman is usually divorced, or at best must make way for another wife.<sup>66</sup> In Sinai the woman can divorce,<sup>67</sup> but this is rare, although she sometimes lives apart from her husband.<sup>68</sup>

The husband in Sumer divorced by reciting "hum-in-tak-a-ta"—"she is repudiated by one"—often accompanied by the payment of one-half mina of silver. He could even divorce before the consummation of marriage without offering any reasons, but the act of divorce was ordinarily concluded in a legal process

before a judge, witnesses, and with oath. The divorced wife or concubine had custody of the children, together with alimony and bride-wealth (CH, 137). But if a woman, finding herself sexually incompatible with her husband, demanded a divorce, her life was threatened. Later however, but earlier than Hammurabi, a woman could file a suit for divorce (CH, 142, 143). As time went on, it seems, there was more equality. The man needed grounds for divorce, like sterility in the woman (CH, 138); disease was not sufficient justification (CH, 148). If a man voluntarily deserted his wife, she had the right to remarry (CH, 136); if he was taken captive, she was expected to remain faithful (CH, 133, cf. 129). If she was not well provided for, she was permitted to remarry (CH, 135). One woman at least seems to have remarried within eight months after her divorce.<sup>69</sup>

The position of the Assyrian woman in regard to divorce was inferior. She could be divorced at will without provision, and even gifts made to her could be reclaimed by her divorcing husband. She herself, it appears, had no right to divorce.<sup>70</sup>

Divorce seems to have been prevalent among the Elephantine Jews, and could be initiated by either the wife or the husband, although the recompense paid by the husband is greater than the wife's.<sup>71</sup> That the Jewish wife could institute the divorce is most exceptional.

The woman of the Old Testament could not divorce, although she might desert (Judg. 19:2). Even in the time of Ben Sirah it was understood that only

the man had the right to divorce (Ecclus. 7:26; 25:26; 42:9). Josephus explicitly states that Salome's act of divorce from Costabaros "was not according to the Jewish laws."<sup>72</sup>

The motive for divorcing a wife was generally her childlessness, the normal state being that the husband was closely united with the woman who had borne him sons (Gen. 29:34). The Deuteronomic law has unmistakably the intention of limiting in some degree the liberty too frequently exercised, without at the same time curtailing the rights of the husband. A bill of divorcement was now required by law (Deut. 24:1 ff.). Further, it is enacted in Deuteronomy that if the divorced wife has married again and has been separated from the second husband by divorce or by his death, she cannot be taken back in marriage by her first husband. The old practice as to this was quite different (Hos. 3:3; cf. II Sam. 3:14 ff.), and was similar to the old Arab customs. Lastly the Deuteronomic law withdrew, as a penalty, the husband's right to divorce in two cases — those, namely, in which he had falsely accused his wife of relationships before marriage (Deut. 22:19), or in which he had been compelled to marry a virgin whom he seduced (22:28 f.). But Micah (2:9) and Malachi (2:14 f.) lament the spread of divorce, because the mother is the "seed of God." She has fulfilled her function by bearing children, and it is hateful that she should be put away because she has lost her beauty. Obviously there was never a period when absolute monogamy was practiced.<sup>73</sup>

### III. PARENTS AND CHILDREN

The Semitic father commands unlimited respect, and from this honor he derives tremendous authority. The father is the natural head of the group. H. C. Trumbull tells of a trip from Cairo to Sinai accompanied by two young men, not kinsmen. He was introduced to a sheikh as "Mr. Trumbull and his two sons." When he disclaimed the relationship, he was told that "each traveling party was known as a 'family,' of which the senior member was the father."<sup>74</sup> In the past, the Arab father had the power of life and death over his children.<sup>75</sup> The absolute power of the father extended over the son until he was self-supporting, at least in the region of Mecca and Medina, and the daughter remained under the authority of the father or guardian until marriage.<sup>76</sup> It must not be thought that the Semitic father is austere; on the contrary he is honored with deep affection, and the sons learn the lore of the group accompanying the father to the social and festive gatherings.<sup>77</sup> The son and the daughter are given in marriage by the father who chooses the husband or the wife and arranges all the details; it is only exceptionally that the daughter is consulted.<sup>78</sup>

Repudiation by a Sumerian child was severely dealt with. "If a man says to his father, 'Thou art not my father,' he may brand him, lay fetters upon him or sell him." The father could sell his son or his daughter as a slave, though only for three years; and children needed their parents' consent to contract

marriage. The minor could not enter into an independent contract. The Code shows severe penalties for striking the father (195). According to the old Sumerian Family Laws (3 and 4) a son could be disinherited by simple repudiation, "Thou art not my son," but the Code of Hammurabi limited this by insisting on a legal process, and even then the Code did not permit repudiation for the first offense (168). The children of Sumerian freemen were vested with very definite rights. They could claim a patrimony which they could dispose of freely. If in any way they felt themselves unjustly treated, they had the legal right to protest and make claims.<sup>79</sup>

In later Babylonian times the autocracy of the father was somewhat tempered, but still the children were wholly dependent upon the good will of the parents. The mother as time went on obtained more authority. Even in Sumerian times the child was severely punished if he repudiated his mother, but she had no power to sell him. Later however she too had the legal right of selling the children, just as she had full legal and business privileges.<sup>80</sup>

In the Old Testament both kinship and authority are expressed by the name of father. Naaman is called the father of the cultic community, of which he is the head (Judg. 18:19), and Elijah is called "father" by his disciple (II Kings 2:12).

The children belong to the father, and the mother's concern is to give birth to his children (II Sam. 14:7). The father at one time could sacrifice his children (Gen. 22, etc.) although this was later treated as a

heathen custom (Lev. 18:21; 20:1 ff.; Deut. 12:30 f.; 18:9 f.; Jer. 7:31; 19:5; 32:35; Ezek. 20:30 f.). The father could sell his daughter as a slave (Exod. 21:7), but she still retained some rights (21:8 ff.; cf. Neh. 5:5). The father could expel the son of a concubine from his house (Gen. 21:10), and he could annul a daughter's oath if he did so immediately (Num. 30:4 ff.). If the son strikes his father or his mother, he is put to death (Exod. 21:15).<sup>81</sup>

The same penalty holds for cursing the parents (Exod. 21:17; Lev. 20:9; cf. Prov. 20:20; Matt. 15:4). The refractory son is condemned to death by stoning (Deut. 21:18 ff.),<sup>82</sup> and the son who belittles his parents is cursed (27:16). When in II Kings 16:7, Ahaz asked Tiglath-Pileser for help and designated himself as "thy servant and thy son," this expression seems to be a tautology, indicating subjection. Even later the status of the son seems to be that of a servant (**עֵבֶד** Mal. 3:17). The parallelism of Mal. 1:6 equates the fear for the master with the honor of the father. Marriage arrangements are made by the father,<sup>83</sup> although the influence of the mother plays its part,<sup>84</sup> and it is the father who agrees for the bride.<sup>85</sup>

The mother of course is likewise highly respected.<sup>86</sup> The influence of the mother is recognized,<sup>87</sup> and often the mother is named with the father in regard to the respect due her.<sup>88</sup> She is called the teacher of children and is highly praised.<sup>89</sup>

This is understandable, and among the Arabs a son is often expelled from the paternal tent for vindicating his mother's cause.<sup>90</sup> The woman is compensated

in part for her status as a generative matrix by the deep love with which she is regarded by her children. The Arab proverb expresses filial love with the words, "May a thousand eyes weep, but not those of my mother." It is natural that a step-mother appearing after the death or divorce of the real mother would more or less neglect the children, whereas a widow clings closer to her children, whence the Arabic saying, "The death of the mother disperses, that of the father joins more closely the children."<sup>91</sup> But a child's normal love for his mother does not in any manner prove a mother-right society as has been sometimes asserted.<sup>92</sup>

So important was motherhood in the wife that if the childless wife had sufficient status, she would employ another to provide her vicarious motherhood.<sup>93</sup> Jephthah's daughter bewailed her virginity, and it became a yearly custom for the daughters of Israel to express their commiseration (*Judg.* 11:37 ff.). Of course there are instances where childless wives were most loved, namely, Rachel and Hannah, but as Pedersen says, "they were very exceptional, and derive their particular interest from the fact that the art of the narrator appears in his showing the tragedy of these women, who enjoy privileges to which they feel they are not entitled."<sup>94</sup> Rachel says she is dying with grief because she has no children (*Gen.* 30:1), and only when she gives birth to a son is she able to say, "God has taken away my reproach" (30:23). Hannah was in great agitation and almost died for shame because of her childlessness (*I Sam.* 1:6 ff.).

The woman who gives birth to a son has fulfilled her task; even the pangs of death need not frighten her (I Sam. 4:20). Jerusalem is sometimes called a childless widow when the city is to be depicted as utterly degraded (Lam. 1:1; Isa. 54:4). Even the harlot, outside the pale, rejoices in her child and will not give it to another (I Kings 3:16 ff.).

The mother kept her child close by her. As in Palestine today,<sup>95</sup> the baby was carried either in a bag or on the mother's back, and when it grew older and stronger it was swung on her shoulder and there rode astride, clutching the mother's head (Isa. 49:22). Lactation was continued until very late (Gen. 24:59; I Sam. 1:23; II Macc. 7:27) so that this absolute dependence and continuous company would result in an extraordinary attachment and devotion of the children to their mothers.

The aim of the Arab's life is to leave the largest possible number of male progeny, and a woman bears as many as twelve children. Even the children are permitted to witness the act of delivery, and of course all the friends and relatives (cf. I Sam. 4:20; Ruth 4:14). The circle of birth is closely woven, for when it is known that the child is a boy the guests shout, "Blessed be the bridegroom," and "Blessed be the bride" for a girl.<sup>96</sup>

There was probably no birth control practiced by the man among the ancient Semites, as not only was the idea abhorrent and strongly condemned (Gen. 38:9 f.), but the first and cardinal rule was "Be fruitful and multiply" (Gen. 1:28).<sup>97</sup> However, among the

Arabs today the women think that late weaning postpones the next pregnancy, and for this reason they are in no hurry to discontinue lactation.<sup>98</sup> Contraception is practiced even among uncivilized groups,<sup>99</sup> so that it was possibly not lack of knowledge which deterred the Semites. The Talmud permits birth control for various reasons, especially when the woman is delicate, or if the man has fulfilled his duty by having at least two children.<sup>100</sup>

In the Middle Assyrian Law 53 abortion was severely punished by hanging without burial.<sup>101</sup>

For injuring a foetus accidentally, the Babylonian must make payment (CH, 209 f.); but if the woman dies as a result, his daughter must in turn be killed. The Assyrian Law 21 provides for payment, but 49–52 demand death. The Sumerian Laws provide for payment, as do the Hittite.<sup>102</sup> Exod. 21:22 ff. is ambiguous; fining is enjoined, but the problem of the *lex talionis* is difficult: whose life for whose? and might not the passage refer to *wergild*?<sup>103</sup>

The Semitic law and practice place no limits on a man's endeavor to get progeny. He may have as many slave women as he wishes: if foreigners — either booty of war (Deut. 21:10 ff.) or purchased; if native — bought from an insolvent father (Exod. 21:7; Isa. 50:1; Neh. 5:5). According to CH, 146 f., the wife (or votary?) would give her husband a maid to bear children; but should the maid become arrogant, she could be reduced to a slave or sold, dependent upon whether or not she had given children to the husband.

It seems to rest with the father whether or not the child of a secondary wife shares the inheritance and status with the other children and carries on the father's name and blessing. According to the Sumerian Law (II:14) and later Babylonian codes, the freed children of a concubine had no portion with the legitimate children, unless adopted by the father (CH, 171).<sup>104</sup> Among the modern Arabs no distinction in inheritance is made between the children of different wives, or even between the child of a wife and that borne by a slave to her master, if the master acknowledges the child to be his own.<sup>105</sup> The social position of the concubine's children however is lower.<sup>106</sup>

Among the Hebrews there was little distinction between the sons of a wife and those of a concubine. Although Gen. 24:36; 25:5 f. (*J*) indicate that Isaac was the sole heir, Ishmael (21:10, *E*) was at least eligible to inherit. The children of maidservants are recognized in Gen. 30:3 (*E*). Even the son of a harlot, Jephthah, becomes chief of Gilead after the legitimate sons had driven him away to prevent his inheriting (Judg. 11:1 ff., *E* and *P*). *P* (Gen. 46:8 ff. and Exod. 1:1 ff.) makes no distinction between the sons of Jacob, the eponyms of the tribes; they are all "souls that came out of the loins of Jacob."

Whether there was post-nuptial unchastity on the part of the wife is difficult to determine. Speaking of the modern Arabs, Canaan says: "The men have no confidence in their women, not in the most virtuous. But I know of no illegitimate children at all, at least

none living in the villages, in consequence of the strictness about unchastity. On some rare occasions married women have had children whom the father or husband would not acknowledge, but for want of sufficient proof simply rejected the child.”<sup>107</sup> II Sam. 3:6 ff. records that Abner had intercourse with Saul’s concubine, and he was greatly offended when rebuked by Ishbosheth.

The term *yatom* (יָתֹם, usually translated “orphan”) cannot refer to the male child of a landed proprietor, nor even to the child of a poor parent, because in both cases the orphan would be amply provided for by the family. Perhaps the word יָתֹם suggests the son of a harlot, who like Jephthah needed the protection of a higher law than the normal inconsiderateness that was his lot.<sup>108</sup>

Frequently coupled with יָתֹם as an object of compassion is אַלְמָנָה, the widow. Properly belonging neither to her husband’s nor to her father’s house, she was dependent upon the good will of the more fortunate. Widowhood was disgraceful in itself (Isa. 54:4) — presumably when the relict was childless — and her estrangement from society is inherent in the word אַלְמָנָה (אֶלְמָם, *to be mute*). Even when she returned to her own kin, the widow was marked by her weeds (Gen. 38:14, 19). Deuteronomic and later legislation provide her a tithe, the gleaning of the field, and special legal consideration;<sup>109</sup> for without other representatives she is under the protection of the deity.<sup>110</sup>

The position of the widow in Israel was similar to that of the widow in Assyria, where she did not in-

herit, and, if childless, had to return her bridal gifts.<sup>111</sup> Among the Babylonians the widow with children inherited a son's share (CH, 172) if she stayed in her husband's house. Even a childless wife could inherit.<sup>112</sup> Koschaker declares that this humane treatment of the widow in Babylonia is a Sumerian influence.<sup>113</sup> Among the early Arabs the widow's lot was unfortunate, unless she was influential.<sup>114</sup> Jewish law gave the widow rights of inheritance (Judith 8:7), and the Mishnah (Keth. 4:2) sometimes provided her an income.

One's children keep one's name alive, and this was deemed very important.<sup>115</sup> On the other hand, the blessing of the father extends through generations.<sup>116</sup>

Among the Semites, girls are considered inferior persons. Even today among the Arabs the birth of a girl is greeted with the disappointed, "Only a girl!" Some may even curse her for causing the mother such pain and anxiety. In some cases the mother is told that a son has been born and the truth is broken to her only gradually. In accordance with the custom of pledging the child to the *weli* or saint only a small fraction of the amount given for a boy is required for the girl.<sup>117</sup> Neither among the Arabs nor the Hebrews is the woman regarded as worthy to offer sacrifices. Arab women are not taught to pray because they are thought to be created from the sins of the *jinn*, and their souls are believed to perish like the animals'.<sup>118</sup> In pre-Islamic times new-born girls were often left to die. Sura 16:60 reads, "And when any one of them is told the news of the birth of

a female his face becomes darkened and he is deeply afflicted; he hideth himself from the people because of the ill tidings which have been told him, considering within himself whether he shall keep it from disgrace or whether he shall bring it under the ground.”<sup>119</sup> It is usually believed that the Arab girl tries not to be born since she knows the conditions awaiting her. “Houses full of girls are houses in ruin”; “Girls are burdens”; “The death of girls is a blessing” run the Arab maxims.<sup>120</sup> Moslems today disagree whether women have souls, and they forbid women to pray.<sup>121</sup>

To protect the honor of the house the man of Gibeah and Lot offered their daughters to satisfy the lust of the inhabitants (*Judg.* 19; *Gen.* 19). Although the Old Testament seldom mentions a soul belonging to a woman, it does warn man to beware of the women who hunt souls and keep them imprisoned.<sup>122</sup> On the whole the woman’s position among the Semites is more inferior from a religious and theological point of view than from the social.

However primitive Semitic law did not recognize the ability of women to inherit,<sup>123</sup> and in Arabia all women were excluded from inheritance previous to Mohammed; even today among the Bedouins no woman inherits.<sup>124</sup> H. Preserved Smith maintains that the idea of women holding property arose when the clans were brought into genealogical relations, and “those which had feminine names appeared as daughters of eponym heroes of the whole people. As all the clans had territory in the land of Israel, it

was believed that the patriarchs had given portions to the daughters as well as to the sons."<sup>125</sup> The case of Zelophehad's daughters (Num. 27, probably late) is a very special problem, and the intention of this law is to keep the property within the family. In post-Exilic times Job gave his daughters portions along with his sons, and in Proverbs the woman was able to buy a field (Job 42:15; Prov. 31:16).

Although the daughter is a relatively unimportant member of the family, her honor is precious because if she is wronged the family itself has suffered in prestige and loss of name. If an Arab has evidence of his wife's infidelity he does not punish her himself but brings the matter to the attention of her father and brother; and if the adultery is proved, the father himself, or the brother, cuts her throat.<sup>126</sup> Jacob<sup>127</sup> takes complete issue with Wellhausen<sup>128</sup> who says no importance was given to virginity.

In Assyria the seducer had to pay the father a three-fold bride gift.<sup>129</sup> In Israel the tokens of a woman's virginity were kept by the parents (Deut. 22:15); if they could not be produced the girl was stoned before her father's house because she brought a wanton name on her father's house (v. 21). In the old law of Exod. 22:16 ff. the seduction of a virgin is regarded as an injury to the father as well, and the man must pay the father and marry the girl. In Gen. 34 it is Dinah's brothers and father who are concerned, and the brothers justify themselves by demanding, "Should anyone make *our* sister a harlot?" Deut. 22 develops the older laws. The seducer

of an unbetrothed virgin must pay fifty shekels of silver to the father and is obliged to marry her without right of divorce. Among the Arabs also slander and rape are punished by payments to the father.<sup>130</sup> Although blood revenge follows sometimes (as in the case of Dinah and Shechem) the affront is not regarded so much to the girl as to the father's house.

With the birth of a boy there is joy. So highly valued are the boys that often the midwife is bribed to keep the sex of the child a secret to protect it from the evil eye.<sup>131</sup>

The blessing of sons is the blessing of continuing the house (Gen. 18:19; I Kings 11:38; etc.). Building is figuratively applied to begetting male children in a number of passages (Gen. 16:2; 30:3; Ruth 4:11; I Sam. 2:35; II Sam. 7:27; I Chron. 17:10). Perhaps originally the word בָּן, son, derives from בֹּנֶה, to build.<sup>132</sup> Among the Arabs *house* means male children; when a peasant intends to marry he is often heard to say, "I should like to open a house," meaning, "I should like male children."<sup>133</sup>

But of all male children, the first-born son is the most important, and has the greatest share in the name of his father. Jacob extols Reuben with the words, "Thou art my first-born, my might and the beginning of my strength" (Gen. 49:3). The eldest son has more authority (37:21 f.), and he has certain rights and privileges, particularly the blessing of his father which implies that he is to carry on the name after the father's death (27:1 ff.). Deut. 21:15 ff. rules that the first-born son of even a secondary wife

shall obtain two-thirds of the inheritance, the remainder distributed among the other sons. Among the Babylonians the eldest son likewise received an extra portion of his father's estate.<sup>134</sup> Primogeniture is not however found in the Code of Hammurabi nor among the Arabs of the past or present.<sup>135</sup> Robertson Smith is probably correct when he says, "I apprehend that all the prerogatives of the first-born among Semitic peoples are originally prerogatives of sanctity; the sacred blood of the kin flows purest and strongest in him."<sup>136</sup>

Joseph Jacobs<sup>137</sup> and Sir James Frazer<sup>138</sup> suggest that originally the youngest son inherited under a system of *junior right* or *ultimogeniture*. The cases are presented of Jacob (Gen. 25), Isaac (16; 21:1-7), Benjamin (or Joseph — Jacobs suggests that Joseph was the youngest son — 37:3), Ephraim (48:19), Perez (38:27 ff.), David (I Sam. 16:1 ff.), Solomon (I Kings 1). Frazer quotes Burckhardt<sup>139</sup> to suggest that the origin of this presumed right might be found in the affection a father would have for his youngest son because he remains longest with the father, while the older sons would quarrel with him. While Jacobs and Frazer make out a good case when the instances are considered as a whole, it must be remembered that each example is exceptional, and quite easily explained for other reasons.

The term "fratriarchy" has been suggested to indicate the authority of a brother, particularly the first-born. Koschaker presents evidence from the cuneiform documents,<sup>140</sup> and C. H. Gordon from the

Old Testament.<sup>141</sup> Naturally if the father is dead the eldest brother will assume control of the household. With Gordon's conclusion one may readily agree: "It is unlikely that an exclusive fratriarchy for any period is reflected in the Bible. All the fratriarchal elements in the Old Testament seem to be developments within patriarchy."<sup>142</sup>

Besides the natural increase of children, a family may be augmented by adopting into it others who are then presumed to have the same blood. Mohammed adopted his freedman Zaid, a lad of pure Arab blood. "Here then a man is incorporated by adoption into a group of alien blood; but we learn that to preserve the doctrine of tribal homogeneity it was feigned that the adopted son was veritably and for all effects of the blood of his new father."<sup>143</sup> Goldziher attests that adoption was well known among the ancient Arabs.<sup>144</sup> Among modern Arabs, there is also a quasi-adoption, but those adopted do not reside with their guardians. Burckhardt reports:

If an Arab wishes to provide for the security of his family even after his death he applies (though in the prime of life) to one of his friends, and begs that he will become guardian of his children . . . "I constitute you *wasy* for my children, and your children for my (grand) children, and your grandchildren for my (great-) grandchildren." The obligation of the *wasy*, and the claims of the protected, equally descend to their heirs, in the order of their institution: thus, A has made B *wasy* to his children; B's sons are *wasy* to A's grandchildren; B's grandsons to A's great-grandchildren, etc.; but A's great-grandchildren have no claim to the direct protection of B's children.

Almost every Arab has his *wasy* in some other family; even the greatest sheikh is not without his guardian. The ward applies to his guardian whenever he thinks himself aggrieved, and in defending his ward the *wasy*'s whole family co-operate with him. This system of guardianship is particularly beneficial to minors, children, and to old men, who find it necessary to resist the demands of their sons.<sup>145</sup>

These fictive kinships are formed in a number of ways, particularly by the use of blood for binding the two stocks together.<sup>146</sup> Sometimes a formula only may take the place of blood. Thus in Palestine today when a man works side by side with a strange woman, or if he is forced to spend the night with her during a journey, he strengthens their reluctance to transgress by addressing her: "Thou art my sister as entered in a treaty with God. May God be the opponent of every treacherous one." She then repeats the same words, and they are thus protected.<sup>147</sup> Also similar to blood as a bond is milk:

Two that have sucked milk from the breasts of the  
same foster mother have sworn  
By the dark flowing blood, we will never part.<sup>148</sup>

According to the folk belief a part of the physical personality of the nurse extends to the child, and so the child becomes physically related to the nurse, to the nurse's relatives, and to the nurse's other milk-kin (*Koran*, 4:26). The child stands toward the nurse as toward the mother, and to the kin in ascending and descending lines as toward the mother, and also

to the in-laws.<sup>149</sup> Seligman quotes a report that among the A-Kamba, a Hamitic Bantu tribe, the husband punishes a bad wife by drinking milk from her teat. This makes them related as by blood, and therefore any connection would be incest. Foster children are also looked upon as related in the same degree, for the same reason.<sup>150</sup> Kissing also shows a close relationship.<sup>151</sup> Canaan says that a childless woman who intends to adopt a child often simulates the act of delivery by passing the child through the upper slit of her skirt, while another woman receives the child from below. This custom was at one time quite prevalent in Palestine.<sup>152</sup>

In Sumerian times, adoption was common, and was a legal contract. Once a child was legally adopted in the name of his foster father, the ownership of the child could not be questioned. If however the foster child became incorrigible he was to return to his father's house, although otherwise the foster child evidently had all the rights of sonship.<sup>153</sup> In Early Babylonia and in Assyria a similar attitude was maintained.<sup>154</sup>

Nielsen remarks that the reason for adoption was that "the Babylonians must have been a very kind-hearted people."<sup>155</sup> Ungnad however provides a better clue when he publishes a tablet that tells of a woman who adopted a maiden in order that she might pour water to her spirit when she passed on, and he sagely remarks that there was not so much adoption in Israel because of the levirate.<sup>156</sup>

There is no clear-cut case of adoption in the Old

Testament nor is there any Biblical word which means "adoption."<sup>157</sup> There are however a number of cases which indicate fictitious sonship. When Elisha cried out, "Father, father" to Elijah (II Kings 2:12), more is implied than reverence. Mordecai accepted Esther as his daughter (2:15, cf. v. 7), and Rachel makes Bilhah's child her own by letting the girl bear upon her knees in vicarious motherhood. Joseph even lets the children of his grandson be born upon his knees (Gen. 50:23); this however is not adoption, but only a strengthening of the bond between the generations of the same family, as in Gen. 48:16.<sup>158</sup> Cases like II Sam. 7:14 and Ps. 2:7 are on the border-line between actual and fictitious sonship. However the words, "Thou art my son; this day have I begotten thee" (Ps. 2:7) sound like a formula of adoption; and perhaps Ruth 4:16, where Naomi suckles the child, explains why the neighbors said, "There is a son born to Naomi" (v. 17). I Chron. 2:34 ff. gives no hint of adoption, but as already mentioned, here is reckoned the daughter's children in the father's house. Exod. 2:10 seems to show that Moses was adopted by the Pharaoh's daughter, particularly since his name appears to be Egyptian.<sup>159</sup>

S. Feigen suggests that Jephthah was adopted.<sup>160</sup> His contention is that הוליד in Judg. 11:1 ff. means "adopted," and that is why Jephthah's brothers later found it necessary to drive Jephthah from the house to prevent his inheriting. Feigen also thinks that וַיִּשְׁמֹן in Ezra 10:44 means "they adopted," but both cases are dubious. C. H. Gordon suggests that Jacob

might have been adopted by Laban. A Nuzi text offers an interesting parallel; this is a contract in which a man named Nashwi, who had no son of his own, adopted one Wullu and made him his heir. In return for the patrimony, Wullu is to care for Nashwi throughout the latter's life. If Nashwi should eventually beget a son, that son and Wullu are to share the inheritance, but only the begotten son is to take Nashwi's gods. Only if Nashwi does not beget a son is Wullu to take these gods. As a condition in the adoption Wullu is to marry Nashwi's daughter. Wullu is forbidden to marry any other woman under the penalty of forfeiting Nashwi's real property. By substituting "Laban" for "Nashwi" and "Jacob" for "Wullu," Gordon maintains, one may recognize the parallel.<sup>161</sup>

#### IV. THE "GER" AND THE SLAVE

The *ger* (גֶּר) was a fictitious member of the family or community, although frequently the *ger* actually entered into the Semitic kinship.

In nearly every ancient Arab community there were individual outlaws from other communities under protection. Sometimes these refugees were complete strangers, but often they were relatives of the mother or the wife of the head of the community. The refugee or *jar* was but a temporary sojourner. Although he was a guest of the entire community, he was particularly in close connection with some one family. Thus he sought and was granted protection

by the rite of pitching his tent so that its ropes touched that of his protector, by eating bread and salt with the head of the house, by similar rites, or by obtaining a formal announcement of protection in the shrine of the protector, which might be withdrawn at the same place.<sup>162</sup>

The *jar* was accepted as a normal member of the family during his sojourn, and he exercised the privileges of a family member even if it should involve the family in trouble. While he retained his own name, he could undertake the obligation of blood revenge for those with whom he lived. While sojourning with his protector he was so much a part of the family that those who were pursuing him to exercise blood vengeance never ventured into the tent of the *jar's* protector for purposes of attack, although the protector might be absent. Should a *jar* kill a member of his protector's group, the *jar* is not in turn killed, as would be expected if he were of another kin; but he may be excommunicated (as though a kinsman), and later killed. The minimum length of protection was three days and four hours,<sup>163</sup> although the time could be extended so long as proved necessary; the period of three days and four hours is probably the assumed maximum time that the food he had eaten with his protector would remain in the body. By the act of partaking of food belonging to a member of the community, the stranger had also become a part of the group, and had shared in its life.<sup>164</sup>

Patton observes that the *jar's* membership in the community was tantamount to protection by the

deity of the community.<sup>165</sup> This is borne out by Burckhardt's report of a common domestic judicial oath where one takes hold of the middle tent pole, and swears, "by the life of this tent and its owners,"<sup>166</sup> where obviously the "life of the tent" is a deity. In this connection one recalls that the deity is frequently pictured acting as host. Even more striking is the protection that the sanctuary gives to the sojourner. Robertson Smith and S. A. Cook have collected much material to show that *gerim* among the Hebrews, Phoenicians, and Arabs were subsidized and protected by the sanctuary,<sup>167</sup> and even the temple at Ras Shamra was a sanctuary to the stranger.<sup>168</sup>

An equally important, but much closer relation than that of the refugee and his protector was that of the passing guest and the nomad.<sup>169</sup> W. Cruickshank notes that the "hospitality among the Semites and Eastern peoples in general rests upon religious sanctions."<sup>170</sup> In Babylonia and Egypt hospitality was practiced by the gods themselves; and according to the *Book of the Dead*, the heart which is righteous and sinless addresses the gods of the underworld thus:

I have given bread to the hungry man, and water to the thirsty man, and apparel to the naked man, and a boat to the (shipwrecked) mariner. I have made holy offerings to the gods, and sepulchral meals to the khush.<sup>171</sup>

Cruickshank concludes: "On a review of the whole literature, we receive the impression that hospitality had not, as a rule, risen to the level of the virtuous; it was enforced rather than voluntary."<sup>172</sup>

In the Old Testament, *ger* seems to have preserved its original meaning only in *J* and *E* where the *ger* is one who has come to live with an alien people when he lacks the protection of his own kin. In the Book of the Covenant and in Deuteronomy *ger* does not refer to the Hebrews, but to the population of Palestine conquered by the Hebrews; the *ger* is subordinate.

The Holiness Code is quite different. The Hebrew is now so thoroughly identified with Palestine that he is called the פָּרָשׁ, while the *ger* is a naturalized alien, and so far as his rights are concerned he is on the same footing as the Hebrew.<sup>173</sup>

One can still discern traces of the old ideas in the Old Testament. Thus the Gibeonites obtain protection as clients, although in an inferior position, by sharing their bread with the Hebrews.<sup>174</sup> The client was bound to serve the deity of the group under whose protection he lived (I Sam. 26:19; Ruth 1:16; 2:12); and while the deity protects the client and the father of the house (Gen. 19:13 ff.), he wreaks vengeance on those who break the brotherly covenant, as did the inhabitants of Sodom and Gomorrah. David must declare that it was not he but Joab who violated the duties of hospitality (II Sam. 3:28 f.), and naturally the sanctuary would not protect such a man (I Kings 2:28 ff.).

There is the anomalous case of Jael, wife of Heber the Kenite, who killed Sisera, even after she had covered him with a garment (implying protection and almost adoption)<sup>175</sup> and had given him food, thus strengthening the bond (Judg. 4:11 ff.). Nor was

there any provocation for this breach of faith, "for there was peace between Jabin the king of Hazor and the house of Heber the Kenite." Yet Judges offers no word of condemnation for this disregard of every rule of hospitality; on the contrary the song of Deborah construes Jael's action as highly commendable (Judg. 5:24). So opposed is this to all Semitic notions that one is impelled to find some explanation. Perhaps the story of Cain, as the eponym of the Kenites, is somehow connected with this incident. Cain was an outlaw, although protected from blood revenge, and his descendant Lamech was even more notoriously and proverbially violent. Patton sees a trace of the ancient sanctity of the tent as an asylum in Gen. 4:7 referring to Cain. He says, "In this case the tradition apparently has confused some much clearer allusion to the custom of tent-asylum in ancient Israel."<sup>176</sup>

A slave, too, was sometimes closely affiliated with the family. Among the Babylonians he could be adopted as a son, the ceremony being a religious one with an elaborate ritual.<sup>177</sup>

According to Musil, slavery was spread among all the Arabian tribes; the slaves were regarded as members of the family, and the master usually made a non-negroid slave his concubine. The master could kill a slave without suffering blood vengeance.<sup>178</sup>

A Hebrew slave could be made a member of the household by bringing him to the *elohim* and boring his ear to the door-post (Exod. 21:2 ff.). The status of the house-born slave is almost that of the children; he is "the son of the house" (Gen. 14:14; 15:2 ff.;

17:12, 27; Jer. 2:14); and if he has belonged to the house for a long time he is almost a deputy for the father, as an "elder of the house" (Gen. 24). It is even presumed that he can be the heir of the head of the house (Gen. 15:3 f.; cf. Prov. 30:23). The slave is subject to circumcision (Gen. 17) and is admitted to the family worship. So close is his relationship that the slave of a priest may eat of the holy food which is forbidden even to the priest's daughter married to a stranger (Lev. 22:10 ff.). The female slave often becomes a secondary wife, as has been mentioned. The master has indeed made a covenant with the slave (cf. Job 40:28) which is indicative of the unity between them.

## NOTES TO CHAPTER III

<sup>1</sup> *Skizzen*, IV, 18.

<sup>2</sup> Stade, *GVI*, I, 392.

<sup>3</sup> Wellhausen, *Gemeinwesen*, p. 2.

<sup>4</sup> Also I Sam. 9:21; Deut. 29:17; Judg. 21:24, and perhaps Josh. 7:16 ff., after *LXX*.

<sup>5</sup> Perhaps I Sam. 25:6 mentions יָהִי. 18:18 is difficult; see Pedersen, *Israel*, p. 505.

<sup>6</sup> Cf. Pedersen, *Israel*, p. 58; *BDB*, p. 26; for בָּנָי as a "member of a family" see Krenkel *ZAW*, NF, VIII, 280.

<sup>7</sup> See the analysis of Nowack, *Archaeologie*, I, 300, n. 2.

<sup>8</sup> Pedersen, *op. cit.*, p. 506.

<sup>9</sup> Stade, *GVI*, I, 141.

<sup>10</sup> According to Luther in *ZAW*, XXI, 2, we can assume that the שְׁפֹחוֹת of Gideon and Dan were two of the largest — Abiezer, because of the extent of its force, and Dan, because it became a tribe. Shechem also was composed of more than one family.

<sup>11</sup> B. Luther, *ibid.*

<sup>12</sup> For Arab parallels, see Wellhausen, *Gemeinwesen*, p. 5; and for the close connection of the family with the land see Pedersen, *Israel*, pp. 81, 83, 94. In modern Palestine land is owned in common by the related families. Buhl, *Soziale Verhältnisse*, p. 57.

<sup>13</sup> Wellhausen, *Gemeinwesen*, p. 1.

<sup>14</sup> Pedersen, *Israel*, p. 85.

<sup>15</sup> Kittel, *GVI*, I, 317.

<sup>16</sup> See *infra*, chap. v.

<sup>17</sup> Baudissin, *Kyrios*, III, 327 maintains there is no evidence of a family god in the OT, but see chap. v.

<sup>18</sup> Gen. 49:29 ff.; 50:24 f.; II Sam. 17:23; 21:14; I Kings 14:31; 15:24; 22:51; II Kings 15:38; 22:20; cf. Neh. 2:3 ff., and see esp. Gen. 23 and Abraham and Gen. 35:29 and Isaac. It is hard to die in a strange land, Amos 7:17; therefore Jacob had to be buried in Canaan, Gen. 49:29 f.; 50:5. Corresponding to the idea of dispatching the bones of enemies is Ashur-bani-pal's prayer to Ashur and Ishtar: "May his corpse be thrown before his enemy, and may his skeleton be carried away." Jastrow, *Religion Babyloniens*, I, 417; cf. Goldziher, *Muham. Stud.*, I, 255. So also Joseph; so David preserves Saul's and Jonathan's honor in a family grave. And Barzillai knows no better argument than that he may die in the family grave (II Sam. 19:35 ff.). So also in later times: Judith 16:23; Tob. 14:10 ff.; I Macc. 9:19; 13:23 ff.

It was drastic punishment to be kept from the family grave. I Kings 13:20 ff. That much care was taken to preserve the family grave can be seen from the Canaanite inscriptions, "an everlasting house," *CIS*, No. 124, etc., cf. also Ps. 49:12 קְבָרִים בְּחַיָּנוּ לְעוֹלָם (following *LXX*). Eccles. 12:5. But each probably had his own niche in the family grave. The Arabs thought it shameful to bury two in the same sepulchre; Wellhausen, *Reste*, p. 180. This is also true of the Jews of all times. Torge, *Seelenglaube*, p. 106; Woolley, *Abraham*, p. 211.

<sup>19</sup> "Cutting-off of the soul," הַכְּרֵת הַנֶּפֶשׁ, probably involved deprivation of burial in the family sepulchre. Morgenstern in *HUCA*, VIII-IX, 57 and *passim*.

<sup>20</sup> See II Kings 4:13 where the Shunammite woman rejects the protection of the king or captain, because she lives among her own סֻבָּע, family. When Saul appears with the prophetic guild the people are surprised that he would associate with anyone who had no family loyalties. "And who is their father?" I Sam. 10:11 f.

<sup>21</sup> In *EB*, p. 1657.

<sup>22</sup> *Israel*, p. 57. Add instances of I Kings 13:30; 20:32 f.; II Kings 23:9 where בָּנָה does not mean "blood-brother." II Sam. 15:27; II Kings 8:9; I Kings 4:8 ff. (unless the first names have fallen out; but the *LXX* does not record any) are instances of בָּן employed more widely than "son." There seems even to be a case of confusion between mother and grandmother, where both Abijam and Asa's mother is given as Maacah, daughter of Abishalom (I Kings 15:1 f., 10), probably a dittograph.

<sup>23</sup> *Kababish*, p. 124.

<sup>24</sup> WRS, *Religion*, p. 279, n. 4; Baldensperger, in *PEFQ*, 1899, p. 144; Granqvist, *op. cit.*, II, 143.

<sup>25</sup> Procksch, *Blutrache*, p. 53.

<sup>26</sup> Kennett, *Bedouin Justice*, p. 55.

<sup>27</sup> Wellhausen, *Ehe*, p. 450. Jacob, *Leben*, p. 140, says that the wife often does so, though it is not customary.

<sup>28</sup> I Kings 2:19, cf. 1:16, 31; Judg. 14:16. Only the mother could be called *gebirah*, not the wife. I Kings 11:19 refers to Egyptian practice.

<sup>29</sup> Wellhausen, *Ehe*, pp. 446, 455. It seems that the testimony of Kremer, *Kulturgeschichte*, is not too reliable when he says the woman was "completely honourable, independent, and esteemed at the beginning of Islam." II, 100.

<sup>30</sup> Canaan, *JPOS*, XI, 180.

<sup>31</sup> *Ibid.*, XI, 184.

<sup>32</sup> Jacob, *op. cit.*, p. 212.

<sup>33</sup> Canaan, *op. cit.*, p. 181; cf. Judg. 16:21; Lam. 5:13.

<sup>34</sup> El-Barghuthi, *JPOS*, II, 59; Canaan, *JPOS*, XI, 199; Balden-sperger, *PEFQ*, 1897, p. 125.

<sup>35</sup> Canaan, *JPOS*, XI, 199.

<sup>36</sup> Thomas, *Arabia Felix*, p. 98.

<sup>37</sup> Canaan, *op. cit.*, p. 181; Kennett, *op. cit.*, p. 31.

<sup>38</sup> Burckhardt, *Bedouins and Wahabys*, p. 142; El-Barghuthi, *op. cit.*, p. 59, n. 2; Canaan, *op. cit.*, p. 196.

<sup>39</sup> Canaan, *ibid.*; El-Barghuthi, *op. cit.* Compare Deborah, Judg. 5:12. For full discussion see Morgenstern in *HUCA*, V, 112.

<sup>40</sup> Canaan, *JPOS*, XI, 202.

<sup>41</sup> *Ibid.*, pp. 181, 193.

<sup>42</sup> L. Freund in *WZKM*, XXX, 163; Cook, *Laws of Moses*, p. 71; Pedersen, *Israel*, p. 549.

<sup>43</sup> S. Mercer in *JSOR*, I, 53.

<sup>44</sup> *Ibid.*, in *JSOR*, II, 59.

<sup>45</sup> Marx in *BAS*, IV, 1.

<sup>46</sup> Mercer, *JSOR*, IV, 3.

<sup>47</sup> Mercer in *JSOR*, II, 5; III, 2; V, 36.

<sup>48</sup> Pedersen, *Israel*, p. 62.\*

<sup>49</sup> *Ibid.*, p. 507.

<sup>50</sup> Beer, *Stellung der Frau, passim*.

<sup>51</sup> Gen. 25:22 f.; I Sam. 1:10, 20, 27; I Kings 14:2 ff.

<sup>52</sup> Exod. 15:20; Deut. 12:12, 18; 14:26; 15:20; 16:11, 14; 26:11; 29:9-12; Judg. 11:34; I Sam. 18:6; II Sam. 6:19; II Kings 4:22 ff.; Ezra 10:1; Neh. 12:43.

<sup>53</sup> Lev. 20:27; Deut. 13:6-10; 17:2-5; 29:17; II Chron. 15:13.

<sup>54</sup> Deut. 31:12; Josh. 8:35; Neh. 8:2 ff.; 10:29 ff.

<sup>55</sup> Exod. 36:6; 38:8; I Sam. 2:22.

<sup>56</sup> Exod. 15:20; Judg. 4:4; II Kings 22:14.

<sup>57</sup> Deut. 22:19 ff.; Lev. 20:10.

<sup>58</sup> Judg. 17:2 ff.; II Kings 8:3 ff.; Ruth 4:3, 5.

<sup>59</sup> Gen. 16:3 ff.; 30:3 ff.; I Sam. 25:42.

<sup>60</sup> I Sam. 25:18 ff.; II Kings 4:8-10.

<sup>61</sup> F. M. T. Böhl, in *BS*, LXXVII, 4, 186; P. Cruveilhier, in *RB*, XXXIV, 524; J. Döller, *Weib in AT* in *BZ*, 1920, p. 79; H. Holzinger in *BZAW*, Vol. XXVII; J. Neubauer in *MVAG*, XXIV-XXV; J. Schefelowitz, in *AR*, XVIII, 250; Wijngaarden, *Sociale Positie de Vrouw*; W. Caspari, in *TSK*, LXXXVIII, 1.

<sup>62</sup> Wellhausen, *Ehe*, p. 449.

<sup>63</sup> Barton, *Sketch of Sem. Origins*, p. 46.

<sup>64</sup> Westermarck, *Marriage*, III, 312.

<sup>65</sup> Burckhardt, *Bedouins and Wahabys*, p. 110.

<sup>66</sup> Canaan in *JPOS*, VII, 159.

<sup>67</sup> Kennett, *Bedouin Justice*, p. 97.

<sup>68</sup> Burckhardt, *op. cit.*, p. 112.

<sup>69</sup> Mercer in *JSOR*, I, 51; II, 62. Kohler and Peiser, *Babylonischen Rechtsleben*, II, 13.

<sup>70</sup> Middle Assyrian Law, 37-8. Driver and Miles, *Assyrian Laws*, p. 266.

<sup>71</sup> Papyri 15:22-31; 9:8 ff.; 14:35?

<sup>72</sup> *Antiq.*, 15, 7, 10; cf. Matt. 5:32.

<sup>73</sup> Cf. Unwin, *Sex and Culture*, p. 342.

<sup>74</sup> *Studies in Oriental Social Life*, p. 238.

<sup>75</sup> Jacob, *Muham. Stud.*, p. 212; E. Mader, in *BS*, XIV, 69.

<sup>76</sup> Wellhausen, *Ehe*, pp. 453, 459.

<sup>77</sup> Canaan, *JPOS*, VII, 178.

<sup>78</sup> Wellhausen, *Ehe*, p. 131; Granqvist, *Marriage*, I, 46; Thomas, *Arabia Felix*, p. 98; Kennett, *Bedouin Justice*, p. 35.

<sup>79</sup> Mercer in *JSOR*, I, 55. In Assyria too the husband was the head of the family. He could sell the children into slavery. *JSOR*, IV, 3.

<sup>80</sup> Mercer, *JSOR*, I, 55; V, 87.

<sup>81</sup> This is more severe than CH, 195, where the hand is cut off.

<sup>82</sup> Notice that there seems to be an aversion to spilling blood. The Exodus laws are C, but it is doubtful that the child was actually killed under Yahwism. Later Jewish law nullifies the death penalty for disobedient children, and Herod's treatment of Mariamne's sons is exceptional. Josephus, *Antiq.* 16, 11, 2.

<sup>83</sup> Gen. 28:1 ff.; 38:6. But cf. Gen. 26:34 f.; 29:18; Exod. 2:21; Judg. 14:2 ff., and for the Canaanites, Gen. 34:4.

<sup>84</sup> Gen. 21:21 (but Hagar was of a low status); 27:46; Judg. 14:2 ff.; I Kings 2:13 ff.

<sup>85</sup> Gen. 24:48 ff.; 29:18 f., 23, 28; Exod. 2:21; 21:7, 9; 22:16; Josh. 15:16; Judg. 1:12; I Sam. 17:25; 18:17. Jacob consults his sons in Gen. 34:4 ff. but this is exceptional. The bride is asked (24:5 ff., 57 f.) but then presumably about the long trip.

<sup>86</sup> Exod. 20:12; 21:15, 17; Lev. 19:3; 20:9; Deut. 5:16; 21:18 ff.; Prov. 20:20.

<sup>87</sup> Gen. 21:21; Deut. 21:18; I Kings 2:19.

<sup>88</sup> Gen. 28:7; Josh. 2:13, 18; 6:23; Judg. 14:2 ff.; I Sam. 22:3; II Sam. 19:38; I Kings 19:20; Ezek. 22:7; Zech. 13:3; Prov. 1:8; 4:3; 6:20; 10:1; 15:20; 17:25; 23:22, 25; 28:24; 30:11, 17.

<sup>89</sup> Mal. 2:14b; Ps. 128:3; Prov. 11:16; 14:1; 18:22; 19:14; 31:1, 10 ff.

<sup>90</sup> Burckhardt, *op. cit.*, p. 114.

<sup>91</sup> Canaan, *JPOS*, XI, 203, n. 3; VII, 178.

<sup>92</sup> Wellhausen, *Ehe*, p. 475; WRS, *Kinship*, pp. 32, 37; Dhorme in *RB*, 1922, pp. 489, 514. Of course *rehem* means "kinship feeling" just as it means "compassion." Deák, *Gottesliebe*, p. 6, suggests *rahem* comes from root meaning "to hide," as the mother conceals her child in her lap. But this is a secondary meaning, like the German, "Schoss."

<sup>93</sup> Gen. 16:2; 30:3, 6, 8, 9. The fallacy of the argument that *הַרְחֵשׁ* is derived from *הַרְחֵשׁ*, and *אֹוּמָה* from *אֶמֶת*, thus showing mother-right, is patent, because the *הַרְחֵשׁ* or the *הַמְּמָנָה* — the words are interchangeable (cf. Gen. 30:3, 7) — appears in an inferior position in a patriarchal society, although it is true that the husband has intercourse with her.

<sup>94</sup> *Israel*, p. 71.

<sup>95</sup> Canaan, *JPOS*, VII, 170, 174.

<sup>96</sup> Baldensperger in *PEFQ*, 1899, p. 140; 1894, p. 130. Canaan in *JPOS*, VII, 160; Granqvist, *Marriage*, I, 28.

<sup>97</sup> Cf. Deut. 24:5.

<sup>98</sup> Canaan, *JPOS*, VII, 160.

<sup>99</sup> Unwin, *Sex and Culture*, pp. 72, 78, etc.

<sup>100</sup> J. Z. Lauterbach, in *CCARY*, XXXVII, 369. It is interesting that the commandment of Gen. 1:28 was taken to refer primarily to the man; the woman might practice control. Miphtahiah of Assuan was married twice and in her marriage contract (No. 15) it is stipulated that if she should die childless, the property is to go to her husband. Could one guess that if she had not practiced birth control, she would have provided explicitly for the inheritance of her children? But then of course she may have been sterile.

<sup>101</sup> Driver and Miles, *op. cit.*, p. 419.

<sup>102</sup> Sumerian Laws 1 and 2; Meissner, *Baby. und Ass.*, p. 150.

<sup>103</sup> Injuring the testicle is also punishable, Deut. 25:11 f. For full discussion see Morgenstern in *HUCA*, VII, 199.

<sup>104</sup> Cf. the Middle Assyrian Law 41.

<sup>105</sup> Lane, *Modern Egyptians*, I, 252.

<sup>106</sup> Nöldeke, *ZDMG*, XL, 153, n. 2; Wellhausen, *Arab. Reich*, p. 194.

<sup>107</sup> *JPOS*, VII, 132.

<sup>108</sup> So Pedersen thinks, *Israel*, p. 45.

<sup>109</sup> Deut. 14:29; 16:11, 14; 24:17, 19, 20, 21; 26:12, 13; 27:19; Isa. 1:17; Jer. 7:6; 22:3; Zech. 7:10; cf. Job 29:13; Ruth 2:2.

<sup>110</sup> Deut. 10:18; Jer. 49:11; Prov. 15:25; Ps. 68:6; 146:9. Notice that Abigail, widow of the wealthy Nabal, came to David with only servants and an ass, I Sam. 25:42, probably her own property.

<sup>111</sup> Driver and Miles, *op. cit.*, p. 238.

<sup>112</sup> Meissner, *Babylonien und Assyrien*, I, 423.

<sup>113</sup> In *ZA*, NF, I, 192; cf. CH, 137–140.

<sup>114</sup> Wellhausen, *Ehe*, pp. 456, 467, n. 1. For the widow's position among the North-Semitic see Freund in *WZKM*, XXX, 163. The Hittites did permit the wife to inherit her husband's property — see Zimern in *AO*, XXIII, Laws II, 78.

<sup>115</sup> Cf. Pedersen, *Israel*, p. 245.

<sup>116</sup> Gen. 24:60; 48:15 ff.; Ruth 4:11, etc.; cf. Pedersen, *ibid.*, pp. 199, 206.

<sup>117</sup> Canaan in *JPOS*, XI, 173, 176.

<sup>118</sup> Curtiss, *Semitic Religion*, p. 174.

<sup>119</sup> Cf. also 6:152; 17:33.

<sup>120</sup> Canaan in *JPOS*, XI, 175.

<sup>121</sup> Baldensperger in *PEFQ*, 1899, pp. 140, 144.

<sup>122</sup> Ezek. 13:17 ff.; cf. Frazer, *FLOT*, II, 510; *GB*, I, 258, n.; Lods, *La Croyance*, p. 46; WRS in *JP*, XIII, 286. Purification after the birth of a girl takes twice as long as after the birth of a boy, Lev. 12:1 ff., but the significance of this is obscure.

<sup>123</sup> In Babylon the women had rather exceptional rights; cf. Cook, *Laws of Moses*, p. 145. In Egypt the woman could inherit; see Mercer in *JSOR*, II, 7.

<sup>124</sup> WRS, *Kinship*, p. 66, n. 2; Cook, *Laws of Moses*, p. 145; Canaan, *JPOS*, XI, 175.

<sup>125</sup> In *ERE*, VII, 306; cf. Josh. 15:16 ff.; 17:6; Ezra 2:61.

<sup>126</sup> Burckhardt, *op. cit.*, p. 110; Doughty, *op. cit.*, II, 114; Jaußen in *RB*, 1901, p. 596; Thomas, *op. cit.*, p. 98; Baldensperger in *PEFQ*, II, 185.

<sup>127</sup> *Op. cit.*, p. 54.

<sup>128</sup> *Ehe*, p. 473.

<sup>129</sup> Middle Assyrian Laws 55 and 56; cf. Driver and Miles, pp. 52, 82. There is some question as to the amount that must be paid; see Driver and Miles, *op. cit.*

<sup>130</sup> El-Barghuthi and Canaan, *op. cit.*, *passim*.

<sup>131</sup> Cf. Exod. 1:16; Canaan in *JPOS*, VII, 161; Blackman, *Fellahin of Upper Egypt*, p. 81.

<sup>132</sup> But נָהָר, daughter (plural נָהָרִים) is derived from נָהָר.

<sup>133</sup> Canaan, *JPOS*, XI, 175.

<sup>134</sup> Mercer, *JSOR*, II, 61.

<sup>135</sup> Jacob, *Altarab. Parallelen*, p. 13; Baldensperger, *PEFQ*, 1897, p. 130.

<sup>136</sup> *Religion*, p. 465.

<sup>137</sup> *Studies in Biblical Archaeology*, p. 46.

<sup>138</sup> FLOT, I, 429.<sup>139</sup> *Bedouins and Wahabys*, p. 354.<sup>140</sup> In *ZA*, NF, VII, 1. Gordon notes elements of fratriarchy in Nuzi society. *ZA*, NF, April 1936, p. 153.<sup>141</sup> In *JBL*, LIV, 223.<sup>142</sup> *Ibid.*, p. 231.<sup>143</sup> WRS, *Kinship*, p. 52; see also pp. 131, 135, 197, 207.<sup>144</sup> *Muham. Stud.*, I, 134.<sup>145</sup> *Bedouins and Wahabys*, p. 129.<sup>146</sup> WRS, *Kinship*, p. 57; this type of blood-relationship will be further discussed.<sup>147</sup> Canaan, *JPOS*, XI, 198.<sup>148</sup> Quoted by WRS, *Kinship*, p. 57.<sup>149</sup> J. Kohler in *ZVRW*, XV, 415.<sup>150</sup> C. G. Seligman in *JRAI*, XLIII, 657; cf. WRS, *Kinship*, p. 175; *Religion*, p. 274 and SAC's note, p. 595.<sup>151</sup> Thomas, *Arabia Felix*, p. 75.<sup>152</sup> *JPOS*, XI, 176.<sup>153</sup> Mercer in *JSOR*, I, 57; T. G. Pinches in *Hebraica*, VII, 186.<sup>154</sup> Mercer, *JSOR*, II, 61; Driver and Miles, *Assyrian Laws*, p. 222. Gordon in *ZA*, NF, April 1936, pp. 147, 149, 150.<sup>155</sup> *Dreieinige Gott*, I, 221.<sup>156</sup> In *OLZ*, III, 10, 131, n. 2. See *infra*, chap. ix.<sup>157</sup> Unless it be  $\text{נָפְך}$  of Exod. 2:9; Esther 2:15. But  $\text{נָמֵן}$  means "foster father"; cf. Esther 2:7; Isa. 49:23; Num. 11:12;  $\text{אִמְמָן}$  is a foster mother, Ruth 4:16; II Sam. 4:4.<sup>158</sup> Certainly this is not "couvade" as has been suggested; cf. Engert, *op. cit.*, p. 12. Note the poetical use of the figure in Num. 11:12; Ps. 22:10 f.; 71:6; Job 3:12; Isa. 49:23 — where milk-kinship is also referred to.<sup>159</sup> Kittel, *Great Men and Movements*, p. 21.<sup>160</sup> In *JBL*, L, 186.<sup>161</sup> Gordon in *ASOR* (April 1937). The Nuzi tablet is translated by C. J. Gadd in *RA*, XXIII, 126.<sup>162</sup> W. M. Patton, in *AJT*, V, 712; Doughty, *Travels*, I, 228; WRS, *Kinship*, p. 49, etc.; *idem*, *Religion*, p. 75, etc.; Burckhardt, *Bedouins and Wahabys*, *passim*; Wellhausen, *Gemeinwesen*, p. 3.<sup>163</sup> So Burckhardt; Doughty reports a minimum of two nights and the intervening day.<sup>164</sup> Cf. Exod. 2:20; Gen. 26:30; 31:54; Num. 18:19; I Kings 13:15 ff.; II Sam. 3:20; Ezra 4:14; Ps. 41:10; II Chron. 13:5, etc. It has been suggested that the word  $\text{בָּרָה}$  may be derived from  $\text{בָּרַח}$ , "to eat"; Pedersen, *Eid bei den Semiten*, p. 45, n. 1.<sup>165</sup> In *AJT*, V, 713.<sup>166</sup> *Bedouins and Wahabys*, p. 127.

<sup>167</sup> *Religion*, pp. 79, 531; cf. Ps. 15.

<sup>168</sup> Gr *hmt*, "strangers of the sacred enclosure": Text 6; T. Gaster in *PEFQ*, 1934, p. 143.

<sup>169</sup> Margoliouth in *ERE*, VI, 798.

<sup>170</sup> In *ERE*, VI, 816; cf. *ERE*, V, 725.

<sup>171</sup> Budge, *Book of the Dead*, II, 372.

<sup>172</sup> Literature attesting Semitic hospitality is voluminous. See, e. g., also A. Goodrich-Freer, *Arabs in Tent and Town*, p. 113; Westermarck, *Moral Ideas*, I, 580; El-Barghuthi in *JPOS*, IV, 195; *idem*, *JPOS*, II, 38; Jacob, *Studien*, p. 85.

<sup>173</sup> Cf. J. M. Meek in *JBL*, XLIX, 172; Pedersen, *Israel*, in index, *s. v. ger*; Bertholet, *Stellung der Israeliten*, *s. v.*

<sup>174</sup> Josh. 9:14 ff.; does לְחִוָּם of v. 15 possibly mean, "to join in the *hay*"?

<sup>175</sup> For this rite see *JE*, I, 208.

<sup>176</sup> In *AJT*, V, 719.

<sup>177</sup> Mercer in *JSOR*, II, 67.

<sup>178</sup> *Arabia Petraea*, III, 224, 360.

## CHAPTER IV

THE INDIVIDUAL AND  
THE GROUP

Among the early Semites the individual was subordinate to the group; he was an extreme collectivist, and only in a later phase of history did the individual come into his own. Originally the land, people and deity were united in one close corporation; property was pooled; the family was an organic whole, although dominated by the father, the symbol of the group; death was but a half-closed door through which the ancestors and the living maintained a close unity together with the deity who was of the same stock as the group.

The father might seem the individual *par excellence*, but his actions were never arbitrary, for he only upheld the institutions in the most democratic of societies; the father was but a peer among peers. Every reporter of ancient and modern Bedouin society attests to this. Says Wellhausen in his address significantly entitled, *Gemeinwesen ohne Obrigkeit*:

The tribe is responsible for the actions of every individual. Public opinion is the only compulsion. The lack of direct authority in the tribe is partly overcome by definite tendencies of a kind of government. There is a leading aristocracy; the clans have their heads; and at the top of the entire tribe is the head of

all, the *saiyid*. The offices of the heads and of the *saiyid* rest on the voluntary acknowledgment that they have earned their position through personality and ability. They are spontaneously designated — without recourse to formal vote — and if an inclination to bestow the authority as a hereditary right arises, or if gratitude to the father is realized in the son, the legatee must win the office anew by his own virtues.

These notables have meetings every evening. The *saiyid* gives the final decision. He decides when the tribe should wander or camp. In general, however, the leaders do not have more rights than the others, but more duties; they represent to the largest degree the community sense, and they bear the general communal burden. The *saiyid* is the peace-maker and the mediator — who keeps together the tribe in the face of the egoism of the individual and the particularism of the clan. For this he gets a fourth of all booty, but his expenses are greater than his income, and the only reward he receives is favorable public opinion and respect.

The *saiyid* has nothing but moral persuasion. As a result sometimes both clans and individuals refuse to co-operate, despite all he can do. When adversity comes, he feels his power the strongest.

No justice is executed by the state. The contesting parties go to a seer or to a priest or to one who is known for his wisdom or judgment.<sup>1</sup> The same procedure obtains between members of different tribes who swear to accept impartial judgment. But there is no method of carrying out authority, and no penalty is provided save banishment from the tribe. If someone has had an article stolen, he proclaims a curse on the thief and on all those who know who the thief is, but none divulges his identity.<sup>2</sup>

The mere fact that a man bore the group name, whether or not he was related to its members in our sense of the word, made him one of the kindred, and imposed upon him the obligation of blood revenge for any member of the group.<sup>3</sup>

What is the reason for this democracy? Here again it would be well to quote Wellhausen:

Blood is the highest and strongest principle — and neighbors become brothers. All political and military duties are blood- or brother-duties. There are no *res publicae* in contradistinction to domestic situations; there is especially no difference between public and private. In principle at least every one has the same rights and the same duties; none more rights or more duties. All depends on reciprocity, faith, and brotherhood. The same words indicate duty and right, ruler and subject, patron and client. There are no officers, leaders, or hangmen. There is no authority, no sovereign power outside the individuals and the group. The functions of the group are exercised by all members equally: i. e., the supervision of marriage rights and duties. All communal duties like visiting the sick, etc., are undertaken because of brotherly duty. When a camel is slaughtered for a feast, it is always for the group.<sup>4</sup>

The Arabs before Islam were nomads, and therefore they were not united by any permanent geographic relationship.

But they had in its place an inner principle of ties and relationship, of identity and differentiation — which was elemental. That was the blood-kinship. Every Arab is born unchangeably in his political *genus* and *differentia specifica*. The ties appear natural: unity based on blood relationship — and

consequently they stand in naturally immovable relationship one to another, corresponding to the nearer or farther degrees of blood-relationship, indeed based on a patriarchal system, so that its recapitulation takes the form of a genealogy. Such a principle of arrangement is of value while at rest or wandering; in war or in peace — even better for deploying purposes than army maneuvers. The material and the form are indivisible among the Arabs; they are born into their organization and they are born into their uniform. The smaller or larger relationships from the larger family group to the people as a whole are their companies, battalions, and regiments; and not only the warriors, but also the women and children are members — although these latter do not wage war directly.<sup>5</sup>

The largest group was the tribe and comprised all those families who usually wandered together in certain times of the year. It consisted of not more than several thousand persons.<sup>6</sup> However these tribes often had a common tribal father.<sup>7</sup> The smaller group was the clan, made up of closely-related families that set their tents close to one another in a special quarter, the *dar*. Outside the tribe the relationship did not abruptly terminate. There were also the groups of such tribes that stood in some sort of historical relationship. But in this more distant sphere the relationship was not really effective. For despite a common language, culture and similar manners, the Arabs are not one people; for the tribe alone constitutes the unit.

The tribe is the source and the outer border of political duties; outside the tribe begins foreign

territory. But a definite and open *bellum omnium contra omnes* does not exist — the relations among the several tribes are varied, and can, in consequence of kinship and treaties, really be friendly. But there is no concept of responsibilities to humanity; morality does not exist outside the tribe; every stranger to the tribe is tacitly an enemy.<sup>8</sup> "When I and my people were tormented by hunger," recounted an old Bedouin, "God provided me with a man who walked alone with his wife and camels. I killed him and took the camels and wife." The murder is considered legitimate and the tribesman wonders only at the temerity of the traveler.<sup>9</sup>

The highest duty is to help a brother tribesman. At his call all respond without inquiring into the right or wrong. From the family to the clan to the tribe the responsibility extends in proportion to the gravity of the situation. But the reason for this concern, says Kennett, is only to maintain the fighting strength of the tribe.<sup>10</sup> The expelled tribesman is a wanderer and a wayfarer; he is indeed cursed.<sup>11</sup> "No better than cattle under God," said a Bedouin speaking of another tribe, "the Sharara are a spineless people who will meekly consent to be pillaged or allow one of their number to be killed without raising a finger in defence of themselves." No degradation could be lower.<sup>12</sup>

Robertson Smith has picturesquely stated: "The members of one kindred looked on themselves as one living whole, a single animated mass of blood, flesh, and bones, of which no member could be

touched without all members suffering. This point of view is expressed in the Semitic tongues in many familiar forms of speech. In the case of homicide Arabian tribesmen do not say, 'The blood of M or N has been spilt,' naming the man; they say, 'Our blood has been spilt.' In Hebrew the phrase by which one claims kinship is, 'I am your flesh and your bone' (*Judg.* 9:2; *II Sam.* 5:1). Both in Hebrew and in Arabic, 'flesh' is synonymous with 'clan' or kindred group (*Lev.* 25:49)."<sup>13</sup> The sense of group solidarity which expressed itself in blood revenge duties was the strongest, even surpassing respect for a god.<sup>14</sup> The tribe was never lost in the state, and kinship continued down to the time of Mohammed to be the one sacred bond of unity,<sup>15</sup> and even today the tribesmen often resist the government itself.<sup>16</sup> Canaan notes that the unwritten laws of brotherhood are most apparent among the Bedouins, less among the peasants, and least among the city dwellers.<sup>17</sup>

A wandering life did not prevent each nomadic tribe from preserving a cultic shrine to which its members often repaired.<sup>18</sup> This too was a symbol of unity.

Genealogies serve as devices to preserve the unity and purity of the group. Thus, for example, among the Egyptian Bedouins, members of a tribe known as the Hitteim are socially unacceptable, and no self-respecting Arab would permit any of his group to intermarry with them, and so he insists on knowing the pedigrees of his friends.<sup>19</sup>

Nevertheless new clans enter into the larger group in much the same way that fictitious blood-relatives enter the family. Sometimes new clans enter into fictive brotherhood; sometimes larger tribes break up. Sometimes tribes allying for mutual aid assume a common family tree. An interesting example is that in Africa of Berber and Arabian tribes forming a larger tribe, and assuming common relationship.<sup>20</sup> At the time of the Arab invasion in Egypt, which began in 632, Persians, Turks, and Greeks who adopted Islam were absorbed into the Arab families with the assumption of brotherhood.<sup>21</sup>

It is logical to suppose that the breakup of a tribe and the weakening of tribal solidarity come about by too gratuitous an assumption of blood relationship. Wellhausen states that the only friction arising in the ancient tribes appeared because of conflicting loyalties between family and tribe.<sup>22</sup> If the tribe is of one brotherhood there can be no conflict. It is only when it becomes clear that the tribe has lost its single character that the tribesman becomes recalcitrant and the individual or the family stands apart from the larger group. This seems also to be true for the Hebrews.

We have seen that the social unit of the Hebrews was the family.<sup>23</sup> This entire family could be broken up as a consequence of individual wrongdoing. Achan, his sons and his daughters, and all that he had were exterminated because Achan had taken of the devoted thing. Indeed Achan's guilt extended beyond his family to the entire group, the children

of Israel (Josh. 7:1). Similar is the case of Korah and his band who might have caused injury to the Israelites had not they and all their household been swallowed up (Num. 16:20 ff.).

For the sake of Abraham, not only Abimelech, king of Gerar, but his whole house was threatened with death (Gen. 20:7, 17; cf. 12:17). Joab, his family, and his descendants, all were cursed because of the sin of one (II Sam. 3:29). Jereboam and every man-child of his were to be swept away because of his defection (I Kings 14:10); so too Baasa and his house (I Kings 16:3; cf. II Kings 9:8). The house of Eli, of his father, and of his children were to suffer because he had used his office for selfish ends (I Sam. 2:31 ff.).<sup>24</sup>

On the other hand the whole family shared in the advancement of the individual. Saul promised that the family of whoever killed Goliath would be privileged (I Sam. 17:25). When Saul was anointed, his whole family was elevated (I Sam. 9:20; cf. II Sam. 3:10; 6:21). So too in the case of David (I Sam. 22:1; II Sam. 7:16; I Kings 12:26). Noah and his whole family were saved through his merit (Gen. 6:18; 7:1); so also Lot (Gen. 19). Rahab saves herself and her father's house (Josh. 2). Jeremiah advises Zedekiah to surrender himself to the king of Babylon to save his own life and that of his house (38:17). When Bethel was cut down, the informer and his family were saved (Judg. 1:25).

Relationship and responsibility also extend beyond the confines of the single family. For Ahimel-

ech's assistance to David, Saul caused not only him and the priests to be slain, but also the city (I Sam. 22:19). The whole people is a unit, metaphorically referred to as an individual (Isa. 1:5; Ezek. 16; Hos. 2:4). When David sins, the whole people suffers, but there seems to be some doubt in David's mind whether this is entirely just (II Sam. 24:17; I Chron. 21:17), although he admits his family's responsibility. The same doubt of the extension of responsibility is considered in Num. 16:22 and Gen. 18.

The family extends throughout time, through the male descendants. Thus Joshua says, "As for me, and my house, we will serve the Lord" (Josh. 24:15); here are included both the present and future generations (cf. Deut. 29:13 f.). The blessing given to Abraham acts through his sons and through all Israel, their descendants (Gen. 28:13, etc.). Subsequent generations are rewarded for the merits of the forefathers (Exod. 32:13; Deut. 9:5; cf. Gen. 12:7; 13:15; 17:8, etc.). One particular generation may even be punished for all the past iniquities of the family of Israel (Amos 3:2).

It is clear that the Hebrew relationship system stems from a nomadic background, similar to that of the present day Bedouin life. Genesis 14 is a clear picture of an ancient nomadic razzia.<sup>25</sup> There are many varieties of nomads,<sup>26</sup> from the nomads of the great deserts, whose main occupation is rearing camels and who live either by escorting the passing caravans or by plundering them, to those who breed animals and live close to the cultivated dis-

tricts, where they can find the abundant summer herbage which they need. The ancestors of the Israelites belonged to the intermediate class of the Bedouins who breed sheep.<sup>27</sup> Gen. 13:7 ff. is no doubt an account of a controversy over a watering-place between two groups of nomads, and Burckhardt mentions that "the most frequent cause of war is a jealousy about watering-places and pasture lands; but the dispute is soon settled, if one party be desirous of peace."<sup>28</sup> Gen. 37 (vv. 2, 12, 14, etc.) also reflects this period; as do the story of Jacob and Laban and the *J* version of the descent into Egypt. "Thy servants are shepherds, both we, and also our fathers." The figure of the shepherd and his flocks is used by later writers even into the New Testament. Many expressions from a nomadic period have become consolidated into the language. When he spoke of returning home, the Hebrew spoke of returning to his tent (II Sam. 18:17; 20:1; I Kings 12:16, etc.). The word *yōš*, "to journey," probably originally meant "to pull up stakes" (cf. Job 4:21). The word for pasturage, *māshīah*, later meant "abode." The nomad would think of a rich agricultural country as "a land flowing with milk and honey." Hagar fled into the desert rather than submit to restraint; and her son was as free and intractable as a wild ass (Gen. 16; 16:12). From Jonadab ben Rechab through the prophets, many who were "divinely discontent" longed for the old simple life.

A fundamental and still unanswered question is: where was the original home of the Hebrews?<sup>29</sup> That

the early Hebrews were nomadic is indisputable. Difficult to evaluate also are the foreign influences which moulded the Hebrew character. Babylon, Egypt and Canaan put their impress on the Hebrews. In Canaan all too little is known of the Kenites, the Philistines, the Amalekites, etc.

The individual of course does not lose his identity completely in the group. The Old Testament is largely a history of single persons within the framework of the family, the tribe, the people. The ancient Code of the Covenant, Exod. 20:19-23:33, appeals to the individual. The Decalogue is addressed to "thou." Personal names composed with 'נ, ת, etc., appear to indicate a personal relationship to the deity.<sup>30</sup> Baudissin however contends that *Ba'al*, originally the deity of the tribe, later of the city, never is referred to from the individual's point of view among any of the Semites.<sup>31</sup> The line of demarcation between the individual and the group in proper names is, however, an exceedingly fine one to draw. Of course the individual must find his completion in the community. Solitude is unnatural (Jer. 15:17; Ps. 102:7 f.; Hos. 8:9). The individual eschatology is subsidiary to the communal. "One of the strangest things in the Old Testament is the little place which the individual feels he has, and his tendency to lose himself in larger wholes, such as the tribe or nation."<sup>32</sup>

The larger groups are always conceived of in terms of the family.<sup>33</sup> Nielsen says, "It is universally recognized that the ancient Semites, as is true to a large extent among the Arabs today, conceived of

the tribe or people as a *family*, in which the individual members are related to one another in a real, physical sense through the tie of blood, and in which all are descended from a common father.”<sup>34</sup> N. Glueck maintains that *hesed*, for instance, is not the free, spontaneous help which one gives to another naturally, but that it is a duty which issues from the family or tribal feeling.<sup>35</sup> Each is bound to all, but the tribe could never be as close to the individual as his family. Thus there is no example of tribal blood revenge in the Old Testament (although Judg. 19–21 approaches it). As already pointed out, where the community is constantly receiving new outside accretions through marriages, refugees, wholesale adoptions, etc., it would be impossible for the individual to accept completely the fiction of blood kinship.<sup>36</sup>

In the Old Testament, God, land, and the people are united. David complains that he has been driven out from the heritage of the Lord by those who say, “Go, serve other gods” (I Sam. 26:19). Ruth adopts a new land and a new god (Ruth 1:14 ff.). A nation is eternally fixed to its gods (Jer. 2:11); and Deut. 4:19 reconciles monotheism with henotheism. The enemies of the deity are the enemies of Israel (I Sam. 30:26; Judg. 5:31); and death outside the land is death apart from God (I Sam. 26:20). The deity accompanies the group when fighting (I Sam. 4:7 f.; II Sam. 5:20), whether it be the Hebrews or other Semites.<sup>37</sup>

With the settled Hebrews as with the Canaanites,<sup>38</sup>

the town was an important, autonomous group. Probably a single family dominated each city, such as the Abiezrites in Ophrah and the Hamor sons in Shechem; in Bethlehem the whole town was at one time a single family (*I Sam.* 20:6). A town had its own sanctuary and religious festivals (*I Sam.* 9; 20:6); Nob was "the city of priests" (22:19). This communal unity resulted in common responsibility (22:19; *II Sam.* 21; *Deut.* 21:1-9). Each town acted of its own accord, as Succoth and Penuel (*Judg.* 8) or Ziph and Keilah (*I Sam.* 23). Jabesh was an independent town, but when it was attacked its disgrace reflected reproach on all Israel (*I Sam.* 11:1 ff., especially v. 3).

A man was buried in his own city where his family had lived (*II Sam.* 17:23; 19:38). Sometimes he is designated as an inhabitant of a city, as the Tishbite Elijah (*I Kings* 17:1), the Jezreelite Naboth (*I Kings* 21:1), Micah of Moresheth, Jeremiah of Anathoth, Amos of Tekoa, etc.

The city as the unity is sometimes called "a mother in Israel" (*II Sam.* 20:19), and its surrounding villages are called "her daughters" (*Josh.* 17:11, etc.).<sup>39</sup>

The administrators of the city were the **נִזְמָן**, or elders;<sup>40</sup> they were drawn from the better families of the town (cf. *Isa.* 3:2, 14; 9:14). The Old Testament refers to these elders very often, usually in connection with the administration of justice.<sup>41</sup> It is possible however that the elders had no method of executing their sentences, just as the Bedouin sheikhs are so

handicapped; at least there seems to be no provision made for such execution of judgment.<sup>42</sup>

The tribe is a difficult concept to reconstruct from the Old Testament evidence. That there were tribal groupings from nomadic times seems incontestable, but there is every reason to believe that the arrangements in the Old Testament are largely artificial. The tribe seems to have been an extended family with its eponymous head. The Danites are called a family (*Judg.* 13:2; 18:11) as is Judah (17:7; *Josh.* 7:17). There was only an amorphous tribal organization, as that when the Danites migrated northeast (*Judg.* 18). Manasseh was scattered (*Josh.* 17; 14:4; *Num.* 32:39 ff.); others, like Reuben, diminished (*Deut.* 33:6); others again, like Machir and Gilead, which were tribes at the time of the Song of Deborah (*Judg.* 5:14-17), fell back into the rank of families in the traditional genealogy (*Josh.* 17:1 ff.). On the other hand Judah increased considerably. We learn the significant fact that this growth was due to fusion with the Canaanitic elements, symbolized by Judah's marriage with Canaanitic wives (*Gen.* 38); and later on, as a result of David's conquests, Judah became larger because of the admission into the confederation of Kenites, Jerahmeelites and other Canaanitic groups (*I Sam.* 27:10; 30:14, 29), who were similarly represented in the genealogies as descending from the patriarch Judah (*I Chron.* 2:9, 18-20, 25-27, 33, 42 ff., 55; *Num.* 13:6, etc.). The tribe of Joseph increased to such an extent that it divided and gave rise to the tribes of Ephraim and

Manasseh. Benjamin, "the son of my right hand," was probably the southern offshoot of the powerful house of Joseph (II Sam. 19:21; cf. Judg. 5:14).<sup>43</sup>

That the tribal groupings are old can be seen from such evidence as the Song of Deborah where the tribes are described in particular; so also in the blessings of Jacob (Gen. 49) and Moses (Deut. 33). As is true of the Bedouin groups as well, the tribal distinctions are sometimes vague; thus Shobal and Manahath belong to the Horites (Gen. 36:20, 23, 29) and to Judah (I Chron. 2:50, 52, 54; 4:1); Kenaz is a part of Edom (Gen. 36:11, 15 f., 42 f., etc.) and of Judah (I Chron. 4:13, etc.); Zerah belongs to Edom (Gen. 36:13, 17) and to Judah (38:30; 46:12, etc.); Korah to Edom (36:14, 18) and to Levi (Exod. 6:21, 24, etc.); Hanoch to Midian (Gen. 25:4) and to Reuben (46:9; Exod. 6:14).

The tribal names are often territorial designations. Thus, Ephraim, Machir, Zebulun, Issachar (Judg. 5) are but personified geographical concepts. This is most clearly seen in the case of Gilead who lived in Transjordania, and therefore was not reckoned a son of Jacob; moreover Judg. 5:18 represents Zebulun and Naphtali collectively. Again, Kish was a man of Benjamin (I Sam. 9:1), as were Shimei ben Gera (II Sam. 19:17) and Sheba ben Bichri (II Sam. 20:1). Baasa ben Ahijah was of the house of Issachar (I Kings 15:27) and Hiram was the son of a widow of Naphtali (I Kings 7:14). Often "the mountain of Ephraim" is mentioned; Naphtali is referred to as a territory (I Kings 4:15; 15:20; II Kings 15:29), as

is Asher (I Kings 4:16). Dan is often the city (II Sam. 24:6; I Kings 15:20; Amos 8:14).<sup>44</sup> In the Song of Deborah, Gad is designated as Gilead (Judg. 5:17; cf. I Sam. 13:7); the warriors march out from Ephraim, from Machir, from Zebulun. Gideon sent messengers "throughout all Manasseh . . . in Asher, in Zebulun, and in Naphtali" (Judg. 6:35). The term "*in all the tribes*" is frequent (II Sam. 15:10; cf. Isa. 8:23); and the name Ephraim has the characteristic ending of many place names.

Membership in a tribe consisted in living in a certain locality. Thus Baanah and Rechab of Beeroth were "of the children of Benjamin; for Beeroth also is reckoned to Benjamin" (II Sam. 4:2). Among the Arabs to be known by one's locality instead of by one's pedigree was disgraceful.<sup>45</sup> Yet we often find the question in the Old Testament, "Whence comest thou?" (Gen. 29:4; Judg. 13:6; I Sam. 30:13; II Sam. 1:3, 13; 15:2; cf. Jonah 1:8).

The words meaning "tribe"—שְׂבִطָה and מַתָּה— are themselves suspect as ancient designations. The old grouping is משְׁפָחָה. Since the two words שְׂבִטָה and מַתָּה are used, both meaning "sceptre" (and by metonymy, "power" or "control"), this at once indicates that the concept is not old, particularly since the two words are synonyms. Many scholars do believe that the tribe is very old (e. g., Wellhausen), dating before the conquest of Canaan. Just as traces of a family cult can be found, so, it is thought, there are traces in the Old Testament of a tribal cult. Judg. 18:19 is cited as confirmatory evidence. This verse is in the

account of the raid which the Danites made upon the house of Micah, the Ephraimite. Micah had a young man, a Levite, who served as his priest. When the Danites took the graven image of the ephod, the terafim, and the molten image from Micah's house, they induced the Levite to accompany them, saying, "Is it better for thee to be priest unto the house of one man, or to be priest unto a tribe and a family in Israel?" Luther, however, has pointed out that the word "tribe" (*לשׂבָט*) may be a gloss. In any case the statement does not necessarily prove that the tribal cult was an ancient institution; if it were so, the Danites would not have needed to capture the Levite, for they could have resorted to their own deity, priests and appurtenances.<sup>46</sup>

Moreover, *מַתָּה* (*P*) is characteristically post-Exilic.<sup>47</sup> *שְׁבָט* occurs throughout the Old Testament, from *JE* to the Chronicler, but occasionally it seems to bear a more restricted sense as in Num. 4:18; Judg. 20:12; I Sam. 9:21 — although in all these passages the text is dubious. Even *מִשְׁפָחָה* is sometimes used in the sense of tribe (Judg. 13:2; 17:7; 18:11; Josh. 7:17), as are *בֵּית אֲבָה* (Num. 7:2; cf. 1:4; Josh. 22:14) and *אֱלֹף* (Num. 1:16; 10:4; cf. 7:2; Josh. 22:21, 30). Taken together, all this evidence seems to show that the tribe was largely an artificial concept for the early Israelites, and may possibly have been archaic for the later. Besides, the term *שְׁבָט* is never applied by the Old Testament to any of Israel's neighbors. The Edomites (sons of Esau) are said in Gen. 36:15-19, 40-43 (cf. the *אֶלוֹפִים* of the

Horites in vv. 29 f.) to have had אלופים, which presupposes אלףם. The Ishmaelites are said in Gen. 25:16 to have been divided into אומות, and in Num. 25:15, Zur was head of an אומות (?) of a בֵּית אָב in Midian.

The whole system of genealogies and patriarchal forebears is largely artificial, with but this element of truth: that undoubtedly the traditions of an eponymous hero do represent an ultimate ancestor, although this ancestor may not actually be a blood relation of those who affirm kinship. Compare, for example, the Arabian legends to the effect that Kalb, being a North Arabian tribe and having Ma'add as their father, once formed a confederation with the southern tribes, and thus got Kahṭan as their father. In Arabia all genealogies trace back ultimately to two groups, (a) the Yemenite, Kahṭan, or the South Arabian, and (b) the Ishmaelite, Adnan (subdivided into the Nizar, Ma'add) or North Arabian; and every individual is able to trace his genealogy back to one of these. So every Hebrew could point to Abraham as his forefather, as even the name Abraham is construed by the paronomasia of Gen. 17:5.

The individual as a personality and as a tribal concept is not even sharply defined in the Old Testament narratives; thus Gen. 48:21 treats of Jacob as an individual and Gen. 48:22, as an eponymous hero; one idea shades into the other. So also Rebekah gave birth to two nations (Gen. 25:23). Actual genealogies among the Hebrews are late; the great major-

ity of Old Testament genealogies are post-Exilic (cf. Josh. 1:1 with Exod. 35:30). The return from the Exile broke the organic unity of land, people and deity; and new ideas of allegiances held the foreground. The Babylonian Jew displaced the native Hebrew.

It goes without saying that the reckoning of twelve tribes is a patent artifice, following a convention, possibly after the twelve months of the year. The Babylonians took twelve as a common round number, probably following the zodiac.<sup>48</sup> Attempts have been made to equate the figures in Gen. 49 with the conventional zodiac representations.<sup>49</sup> The tribes traced to Nahor (Gen. 22:20-24), to Ishmael (17:20; 25:13-16), and to Esau (36:15-19; 40-43) are also twelve in number. In Moses' blessing (Deut. 33), in order to conform, Simeon is omitted and Joseph is divided into Ephraim and Manasseh. G. B. Gray has shown that in the different Biblical lists there are more than twenty tribes, following some controlling principle of enumeration.<sup>50</sup>

At the time of Solomon the land was divided into twelve sections, each provisioning the royal household for a month; but then Judah is omitted, apparently in order to conform with the convention.<sup>51</sup> We may assume that there was an irresolution in the number and the composition of the tribes. When the scheme of twelve tribes was once formulated, however, it was more or less accepted.<sup>52</sup>

## NOTES TO CHAPTER IV

<sup>1</sup> Cf. WRS, *Religion*, p. 71.

<sup>2</sup> P. 7; see also for the ancient Arabs, Jacob, *Muham. Stud.*, p. 223; Morgenstern in *HUCA*, Jubilee Volume, 1925; for the modern Arabs, Burckhardt, *Bedouins and Wahabys*, p. 115. For a discussion of authority see SAC in WRS, *Religion*, pp. 522, 658.

<sup>3</sup> Procksch, *Blutrache*, p. 5, n. 4; Jacob, *op. cit.*, p. 40; *ZDMG*, XXII, 75.

<sup>4</sup> *Gemeinwesen*, p. 4.

<sup>5</sup> *Ibid.*, p. 2.

<sup>6</sup> For the diversity of the tribe size, see Kennett, *Bedouin Justice*, p. 15.

<sup>7</sup> Kremer, *Kulturgeschichte*, II, 115; Nöldeke, *ZDMG*, XL, 158, n. 1.

<sup>8</sup> Wellhausen, *Gemeinwesen*, p. 3. This is the reason — for protection — that there are tribal cries of identification; cf. Thomas, *Arabia Felix*, p. 172.

<sup>9</sup> Wellhausen, *op. cit.*

<sup>10</sup> *Bedouin Justice*, p. 27; cf. WRS, *Religion*, p. 32; *idem, Kinship*, p. 41.

<sup>11</sup> Jacob, *Muham. Stud.*, p. 225.

<sup>12</sup> Thomas, *Arabia Felix*, p. 67.

<sup>13</sup> WRS, *Religion*, p. 273; SAC's note, p. 595; cf. *Kinship*, p. 175.

<sup>14</sup> WRS, *Religion*, p. 47, and the very enlightening note.

<sup>15</sup> *Ibid.*, p. 46.

<sup>16</sup> Thomas, *Arabia Felix*, p. 272.

<sup>17</sup> In *JPOS*, XI, 172.

<sup>18</sup> Baudissin, *Kyrios*, III, 249.

<sup>19</sup> Kennett, *Bedouin Justice*, p. 23.

<sup>20</sup> Jacob, *Muham. Stud.*, p. 222.

<sup>21</sup> Kennett, *op. cit.*, p. 4; WRS, *Religion*, p. 505.

<sup>22</sup> Wellhausen, *Gemeinwesen*, p. 7.

<sup>23</sup> Barton withdraws his earlier statement that the clan was the primary unit, following WRS and McLennan; and he later supports R. H. Lowie, *Prim. Soc.*, in assuming a family nucleus; *Sem. and Ham. Origins*, p. 95. See Westermarck, *Marriage*, II, 352; *Moral Ideas*, II, 222, for a discussion of the family within the clan.

<sup>24</sup> Cf. further Deut. 22:8; Lev. 20:5; II Sam. 12:10; II Kings 9:26; Neh. 1:6; Amos 7:17; Isa. 7:17; Jer. 18:21; 20:6; 23:34. Not only the deity but also mortals punished the family because of the individual. Cf. Gen. 34:30; Judg. 18:25; 14:15; I Kings 16:11; 25:22; Esther 9:7 ff.; 14:9; 19:29. For full list of passages see M. Löhr in *BZAW*, X, 1; H. Gunkel, "Individualismus und Socialismus im AT"; *RGG*, p. 493; Hempel, *Das Ethos des AT*, p. 32.

<sup>25</sup> Morgenstern in *Essays in Honor of Kaufmann Kohler*; Morgenstern in all his writings shows the close connection between Bedouin and Hebrew origins.

<sup>26</sup> Baldensperger, *PEFQ*, 1901, pp. 169, 171, 173, 252; Schumacher, *MDPV*, 1904, p. 78; Jaussen, *RB*, 1902, p. 87.

<sup>27</sup> Eerdmans has suggested that the OT Hebrews were not nomads; *Expositor*, 1908, pp. 118, 345. But see G. A. Smith's rebuttal, *Expositor*, 1908, p. 254.

<sup>28</sup> *Bedouins and Wahabys*, p. 146.

<sup>29</sup> Barton, *Sem. and Ham. Origins*, p. 2, gives an extensive bibliography of those who find the cradle-land of the Semites among one of the following territories: Babylonia, Arabia, Africa, Armenia, Amurru (including Syria and the Euphrates region down to a point nearly opposite Bagdad). See also bibliography in Lods, *Israel*, p. 165, and *CAH*, III, 728. Barton's work is especially good for a summary of many points of view, extensive bibliographies, and tentative anthropological definitions. Most theories accounting for the rise of Israel suppose that Israel arose from different peoples of unknown origin. Thus W. Erbt, in *WS*, II, 52, thinks that Gad only was native to Canaan. B. Stade, *ibid.*, p. 63, suggests that a number of Semitic nomadic tribes were living next to the Egyptian border and later became acquainted with the Sinai cult of Yahweh. Wellhausen, *Komposition des Hexateuchs*, p. 344; *Israelitische und jüd. Gesch.*, p. 12, has a similar theory. C. Steuernagel, *Einwanderung*, p. 2, believes that Leah, Rachel, Bilhah, Zilpah tribes were native to Canaan. Jeremias, *AT im Lichte des Alten Orients*, p. 363, accepts the historicity of the patriarchal account, and finds the origin of the Hebrews in South Canaan.

<sup>30</sup> Cf. Löhr in *BZAW*, X, 1 for complete list of references.

<sup>31</sup> *Kyrios*, III, 273, 279.

<sup>32</sup> A. B. Davidson, art. "Eschatology" in *HBD*; cf. Nielsen, *Dreieinige Gott*, p. 169.

<sup>33</sup> See further, Luther in *ZAW*, XXI, 5; Pedersen, *Israel*, p. 50.

<sup>34</sup> *Dreieinige Gott*, p. 156.

<sup>35</sup> In *BZAW*, XLIII, 1.

<sup>36</sup> Cf. I. Goldziher, *Mythos bei den Hebräern*, p. 107; Luther, *op. cit.*, p. 62; Meyer, *Israeliten und ihre Nachbarstämme*, p. 249; Nielsen in *MVAG*, XIV, 69.

<sup>37</sup> See WRS, *Religion*, pp. 21, 37, and SAC's note, pp. 503 ff.; Morgenstern, *HUCA*, V, 20, 88; IV, 81.

<sup>38</sup> But the Canaanites probably had city-states, ruled by a king; cf. Gen. 14:2 and the Amarna letters. See Alt in *BWAT*, 1913, p. 13.

<sup>39</sup> Parallels found in coins of Berytus (present Beirut): בֶּרְעֵל מֶלֶךְ; coins of Carthage: כָּמָן אַם כָּמָן, etc.; see Pilcher in *PEFQ*, 1922-3, p. 38.

<sup>40</sup> Although חָנִינָה and קְנִינָה are parallel in I Kings 21:8, 11, it must be assumed that they are two different groups. Other élite individuals and groups are the חֲלֵי, נָדִיב, גְּבוּרִים, נָגִיד, נָשִׁיא, שָׁרֶם; see Seesemann, *Altesten im AT*, p. 39.

<sup>41</sup> Cf. Pedersen, *Israel*, p. 36, for full discussion.

<sup>42</sup> But see Morgenstern, *HUCA*, VII, 214, who reconstructs a very convincing sketch of ancient Semitic legal administration.

<sup>43</sup> That is, Arabia Felix (the lucky right hand) חַיְמָן = יָמִין. That the division was after the settlement in Canaan is inferred by the statement that Benjamin, an eponym, was represented as a late comer, born in Canaan; Gen. 35:16 ff.

<sup>44</sup> Cf. Cook in *CAH*, II, 388.

<sup>45</sup> Nöldeke in *ZDMG*, XL, 183.

<sup>46</sup> *Op. cit.*, p. 17; generally see Grüneisen, *Ahnenkultus*, p. 229.

<sup>47</sup> On the possibility of exceptions in I Kings 7:14; Mic. 6:9, see Giesebricht in *ZAW*, I, 239 and Driver's answer in *JPOS*, XI, 214; see generally T. K. Cheyne in *EB*, p. 5200.

<sup>48</sup> Zimmern in *KAT*, p. 626.

<sup>49</sup> See, e. g., Winckler, *Geschichte Israel*, II, 57.

<sup>50</sup> In *EB*, p. 5207.

<sup>51</sup> It has been suggested that the division was into thirteen groups (supplying Judah at the end of I Kings 4:19 after *LXX*), but this is clearly impossible, because of 4:7. See Luther, *op. cit.*, p. 33. Luther maintains that Judah was originally not part of Israel; this view is contested by S. A. Cook in *JBL*, LI, 286. See generally, W. F. Albright in *JPOS*, V, 17; Alt in *AT Studien* Rudolf Kittel, p. 1; Kittel, *Religion of the People of Israel*, p. 95.

<sup>52</sup> Much work has been done in reconstructing the history of various tribal amalgamations, assuming there were tribal amalgamations, especially by Wellhausen, Guthe, Stade, Steuernagel. But these theories are in the main quite vulnerable; see e. g., Cheyne in *EB*, p. 5209. The conclusion must be repeated that the OT itself has conflicting accounts of the composition of the tribes.

## THE DEAD

## I. BELIEFS ABOUT THE DEAD

It is surprising that so little attention has been paid to the influence of beliefs about the dead upon religious and social development. Even among the most advanced civilizations *the dead* in some measure become *the divine*, and much may be learned by examining the particular society's conception of the dead's continued existence, of the attentions due the dead, and of their manifestations.

The phrase "ancestor worship" is misleading only when one disregards the fact that the definitions of *god* and *spirit* may make distinctions which do not exist among many peoples. Unwin has well said: "Since the word 'god' has been used in reference to the conceptions of civilized men the idea has grown that a belief in gods is more civilized than a belief in spirits . . . Sometimes we read that a dead man was deified; but in what detail does the deification consist? My own view is that we can define the difference between a ghost and a god only by the manner in which a right relation was maintained with them . . . Is it not plain that . . . in the use of the words gods, deities, and worship we endow the subject with conceptions which do not exist in the native mind?"<sup>1</sup>

Moreover, the phrase "ancestor worship" is not

exact in that often fictitious relationship as well as blood relationship determines the attitude of the living toward the dead; perhaps in some cases no kinship at all is maintained. We can, however, use the term as Paul Radin understands it: "We may define ancestor worship as the equation of one's ancestors, both remote and immediate, or of persons standing in the place of ancestors or titular household heads, with spirits and gods, and the transference to them of all specifically religious acts and attitudes which are usually associated with the worship of the spirits and gods."<sup>2</sup>

It is perhaps inevitable that the dead — particularly the dead father — should have exerted an influence. In the first place, the natural superiority of the father over the children when young and the children's fear of or gratitude to him enhances his position. This feeling that the father is superior is all the more likely to persist when he grows old, and the father's position is maintained not only because of his greater strength and skill but because of more knowledge and wisdom which remain when the physical power is on the wane. Among peoples who possess no literature the old men are the sole authorities on religion as on custom.<sup>3</sup> The Moors say that a man becomes a saint when he becomes old and a woman an evil spirit; there is something supernatural in both.<sup>4</sup>

The beliefs held regarding the dead also influence the treatment of the aged whose lives are drawing to an end. The regard for the aged and worship of the dead

are often mentioned together in a way which suggests that there exists an intrinsic connection between them. In such cases, however, it is impossible accurately to distinguish between cause and effect. Whilst the worship of the dead, is, in the first place, due to the mystery of death, it is evident that the regard in which a person is held during his lifetime also influences the veneration which is bestowed on his disembodied soul.

Among the peoples of archaic culture, in particular, there is a close connection between filial submissiveness and religious beliefs. As to the Israelites, Philo Judaeus remarks that the commandment enjoining obedience to parents occupies its position immediately after those prescribing the duties of man towards God because parents are something between divine and human nature, partaking of both — of human nature inasmuch as it is plain that they have been born and that they will die, and of divine nature because they have engendered other beings, and have brought into existence that which did not exist before. What God is to the world, that parents are to their children; they are "the visible gods."<sup>5</sup> Disobedience to parents is considered by Moslems as one of the greatest of sins, and is put, in point of heinousness, on a par with idolatry, murder, and desertion in an expedition against infidels.<sup>6</sup>

We have seen that the father among the Hebrews was the visible symbol of the group. In primitive antiquity, says Fustel de Coulanges, "the father is not only the strong man, the protector who has power to command obedience; he is the priest, he is heir to the hearth, the continuator of the ancestors, the parent stock of the descendants, the depository of the mysterious rites of worship, and of the

sacred formulas of prayer. The whole religion resides in him."<sup>7</sup>

It is noteworthy that the blessings and the cursings of the father have extraordinary efficacy.<sup>8</sup> Why? One reason no doubt is the mystery of age and the nearness of death. Coupled with this is the fact that the father represents the honor of the family and determines its fate before and after death — and after death he is linked with his own ancestors who are also fate-makers. It is highly significant that many blessings are for fertility, while no man would curse his own family with childlessness, although he may do so to an enemy (cf. I Kings 14:10; 21:21, etc.). The dead ancestor needs descendants for his own welfare. Striking evidence of the new paths blazed by the prophets and the later writers are their cursings of the people in the name of Yahweh with sterility and loss of children; no wonder they were not credited. The suggestion made by Schwally<sup>9</sup> and others<sup>10</sup> that בָּאֵת, revenant, is connected with בָּא, father, is plausible. The worship of ancestors naturally predominates where family feeling is strong, and where the head of the family holds the position of authority over a large number of dependents.<sup>11</sup>

Jevons associates ancestor worship with an agricultural *milieu*, because "the organized worship of ancestors is bound up with the patriarchate and the *patria potestas*."<sup>12</sup> He does not however take into account the fact that the nomads had a patriarchal organization. On the other hand, the existence of ancestor worship among the ancient Hebrews is

further proof of an original patriarchal society, for it is the male head of the house who is revered.

Ancestor worship is a universal phenomenon. It is, as Tylor says, "one of the great branches of the religion of mankind. Its principles are not difficult to understand, for they plainly keep up the social relations of the living world. The dead ancestor, now passed into a deity, simply goes on protecting his own family and receiving suit and service from them as of old; the dead chief still watches over his old tribe, still holds his authority by helping friends and harming enemies, still rewards the right and sharply punishes the wrong."<sup>13</sup> The cult of the dead is found among many and diverse peoples.<sup>14</sup>

Unwin distinguishes all societies by their attitude to the dead and has classified these attitudes in a scale. His work is important and the implications of his findings are far-reaching.<sup>15</sup> Where evidence allows, much that Unwin asserts is supported by the Old Testament. Unfortunately however it is practically impossible to classify the relevant material in the correct strata. Unwin's classification of the Sumerian and Babylonian material is itself open to question. It will be seen that among the Hebrews can be found zoistic, manistic, and deistic behavior. What the exact correlation was to sexual behavior we are unable to tell.<sup>16</sup>

Although comparatively few scholars of the Old Testament have considered the implications of the cult of the dead, there are some who deny an ancestor cult. Baudissin, for instance, maintains that the

Semites all regarded the dead as powerless, and moreover paid them no worshipful attentions.<sup>17</sup> In the larger field, A. Lang, for example, attacks the ancestor cult theory. But he does not consider all the evidence, and attempts to refute only Herbert Spencer's meager material.<sup>18</sup>

The cult of the dead played an important part among the Egyptians, Canaanites and Babylonians, groups which would most profoundly have influenced the Hebrews.

In a sense Egyptian worship was altogether ancestor worship. For while the ordinary person did not especially venerate the manes of his ancestors, although he often commemorated them, he worshipped Osiris—and every dead man became Osiris. Moreover Osiris was identified as a sort of original ancestor of the race, in spite of the belief that he had once reigned over Egypt as king. The older Egyptians had feared the magical powers of the dead man; and one's mother and father, perhaps one's grandparents, were mentioned on one's grave-stone. The son could put up a stele in memory of his parents "as making their names to live upon earth." Besides, a brother could also make the name of his brother or sister to live.<sup>19</sup>

The Canaanites made extensive provision for the dead. Beside the corpse all his personal belongings were laid: weapons, jewels, amulets, stone or metal knives, cups, dishes, lamps.<sup>20</sup> The Canaanites apparently believed that the dead continued to live on in the grave, "his eternal abode," as the inscription of

Ahiram seems to call it (cf. Eccles. 12:5; Tob. 3:6). The dead hungered and thirsted,<sup>21</sup> and some of the tombs were provided with apertures through which the dead could be supplied with food and drink.<sup>22</sup> Animals seem to have been killed for the dead, for pits have been found in several graves containing ashes, bones of animals, and cinders.<sup>23</sup> Sellin has uncovered in the fortress at Taanach an altar which he declares was reserved for the dead, since he considers that a channel leading from this altar and running down a stairway carried the blood of the victims into a chamber below.<sup>24</sup>

There is little doubt that Hebron had a cult of its own before the Israelites appeared, and this cult seems to have been connected with the dead. Here was the spot where Yahweh had appeared to Abraham and where the patriarch first acquired legal title to Palestinian soil by purchase of a burial site from Ephron (Gen. 23). Late Jewish tradition preserves the remembrance of Hebron's great sanctity, particularly because it contained the souls of the dead. Hebron was selected by Joshua as a city of refuge, and it will be seen that the shrine of the dead afforded protection to the manslayer.<sup>25</sup>

Regarding the Babylonians we have much evidence, but it would be best to quote Margoliouth:

To sum up: the evidence, so far as it goes, shows clearly that even in historic times the cult of the dead and elements of ancestor worship formed, more or less distinctly, part of Babylonian religious observances. As regards deification of deceased ancestors,

sacrifices in the proper sense of the word, and festivals held in honour of the dead, the clear evidence, as was to be expected, relates to the ruling families only. It may, by analogy with the religious development of other races, be assumed that ancestor worship and the cult of the dead was more prevalent in prehistoric times than later on. But whether this cult was in very ancient times the only or even the chief religious worship of the Babylonians — whether Sumerians or Semites, or a combination of both — is quite another question.<sup>26</sup>

It would be unfair to say that the subject of ancestor worship has not been considered by Old Testament scholars — Grüneisen's extensive bibliography is ample proof<sup>27</sup> — but very few have found this institution of great importance in explaining other ideas and developments. On the other hand, the pertinent criticisms of some of the extravagant claims of various authors must be taken into account, particularly the observations of Grüneisen, M.-J. La-Grange,<sup>28</sup> and Frey.<sup>29</sup>

We are left finally with a number of basic conclusions:

1. The Israelites, to the time of the Exile, believed in the survival of the individual after death.
2. The Hebrews at times carried on a cult of the dead, especially of their ancestors.
3. Before Yahwism and even after, the dead were popularly believed to exert their influence on the living, and they were thought to be endowed with supernatural power and knowledge.

4. Many beliefs about the dead and about Yahweh coincide.

We have already seen that burial in the family grave was the desire of every Israelite; the departed must be introduced into the society of his ancestors. In the earliest times this society was thought to be the family grave and its immediate neighbors. One wished to be buried near his father and mother (II Sam. 17:23; 19:38). But families were closely connected; there were also the more remote tribal and even national ties. After a time all the graves were regarded as united in one large underworld. It was this new conception that received the designation of Sheol.<sup>30</sup>

"In due course this conception was naturally extended till it embraced the departed of all nations, and became the abode of all mankind. It has already reached this stage in Ezek. 32; Isa. 14; Job 30:23. Strictly regarded, the conception of an abode of the dead in the grave and of one in Sheol are mutually exclusive. Being popular notions, however, they do not admit of scientific definition, and their characteristics are treated at times as interchangeable. The family grave, with its associations of ancestor worship, is of course the older conception. As burial in the family grave enabled a man to join the circle of his ancestors, so burial with honor was a condition of his attaining an honorable place in Sheol — i. e., of joining his people there. Otherwise he is thrust into the lowest and outermost parts of the pit (Ezek. 32:23). When, however, Sheol is said to have distinct

subdivisions (Prov. 7:27), the statement may be merely poetical."<sup>31</sup>

In early times Sheol was independent of Yahweh and was outside the sphere of his rule — and down to the fourth century B.C. there was little change, although God's power was later conceived to extend to Sheol (cf. Amos 9:2; Job 26:6; Prov. 15:11; Ps. 139:7 f.).<sup>32</sup> It is only in the later conceptions that Sheol becomes a place of corruption, evil, darkness, water, and rottenness (Job 17:13 ff.; 26:5; 28:22; Isa. 38:17; Ps. 88:12; Prov. 15:11; Jonah 2:3 ff., etc.). No doubt the prophets attacked this strong anti-Yahwistic tendency which pictured the grave as a Valhalla.

The weapons of the men of valor accompanied them to the grave (Ezek. 32:27), as did the gold and silver of the princely (Job 3:15). Josephus (*Antiquities*, 13:8:4; cf. 16:7:1) reports that Hyrcanus extracted 3000 talents of silver from the tomb of David who exceeded all the kings in riches. He also tells (*Antiquities*, 15:3:4, cf. 17:5:8 and *Wars*, 1:33:9) that Herod put many gems in Aristobulus' grave. Excavations show that the burial of precious goods was widespread in the lands of the Euphrates and the Tigris, as well as in Canaan. Many vessels and other precious articles have been found in Phoenician tombs.<sup>33</sup> The Babylonians too buried their dead with valuables.<sup>34</sup> Wellhausen cites *Hamasa*, 17:12 to show that the ancient Arabs broke jugs and vessels of the dead man over his grave, together with his weapons. It was particularly important that his rid-

ing animal be killed, because "the heathens thought he would otherwise have to go by foot at the resurrection. Occasionally his camel and the saddle with its appurtenances were burned (*Agh.*, 16:49), or the animal was left to die near his grave. This proves it was not an offering; for the horse is not an acceptable animal for sacrifice." Many modern observers of the Bedouins note that the dead man is buried with his sword, turban, girdle, etc.<sup>35</sup>

The ancient Arabs definitely believed that the dead were aware of the living. Whoever passed the grave of a friend would call to him by name and imagine that he obtained a response.<sup>36</sup> A number of Arab groups of pre-Islamic times would swear by their forefathers.<sup>37</sup> This type of ancient oath is very frequent in the old poems, and Mohammed forbade such oaths, confining them only to the name of Allah.<sup>38</sup> After completing the pilgrimage, the travellers to Medina would halt to celebrate the deeds of their forefathers in song.<sup>39</sup>

The present day Bedouins believe that the souls of the dead continue to live.<sup>40</sup> Miss Blackman reports: "With the smaller handkerchiefs with which the women wipe the tears from their cheeks they also pat and stroke the grave. On one occasion I saw a young woman acting in this manner just as if she were affectionately stroking a living person. She then knocked on the grave as if to attract the attention of the dead man who lay below, crying as she did so, 'Ya abui, ya abui' (O my father, my father!)."<sup>41</sup> This same address to the dead is also found today

among many superstitious Jews. The liturgical prayer, *Kaddish*, which is recited by the son thrice daily for eleven months after the death of each of his parents and on the anniversaries of their death, is a prayer of praise to God. Nevertheless it is often assumed by those ignorant of the Aramaic that the prayer is directed to the dead. This prayer is very old, specifically mentioned in *Soferim* 16:12 and probably in *Berakot* 3a. The later code states, "When the son prays and recites the *Kaddish* publicly he releases his father or mother from Gehenna."<sup>42</sup>

We have already observed that the Hebrew wished to be "gathered unto his people" (even Abraham, Gen. 25:8; and Aaron, Num. 20:24) or "unto his fathers."<sup>43</sup> To the Semite burial was of prime importance. The curse on him who should destroy the sacred inscriptions of the Assyrian Kings is: "In famine shall his life end, his corpse shall be cast out and receive no burial." Elsewhere we are told that burial rites were refused to a rebel who committed suicide. When conquered foes were to be treated with special ignominy the tombs of their ancestors were destroyed that the repose of the dead within them might be disturbed (cf. Jer. 8:1; Baruch 2:24). Ashur-bani-pal tells how after the overthrow of Elam he destroyed the sanctuaries of the land, and then uncovered and ravaged the mausoleums of the kings: "Their bones I carried away with me to Assyria, unrest I laid on their shades, and cut them off from the funerary rites of libation." Sennacherib not only carried away the property and subjects of

Merodach-Baladan; he also brought out the bones of the king's predecessors from the mausoleum. We hear that conquered kings, confined in the notorious Cage, which stood to the east of Nineveh, were compelled, as an act of lowest degradation, to break up the bones of their ancestors. For this reason many kings chose that their tombs be protected from molestation by decreeing that they be set by the most inaccessible swamps of the Euphrates.<sup>44</sup>

In Assyria and Babylonia it was a great offense to leave the body unburied. Among the dreaded *utukki limnuti*, "evil spirits," which were thought to haunt mankind and to work evil unless laid to rest by exorcism, there figured prominently the *Ekimmu*, or "departed spirits." There were three distinct classes of *Ekimmu*: (1) spirits compelled to return from the nether-world to earth because their descendants ceased making offerings and libations to them; (2) spirits of those who met with a violent or premature death, whose blood did not reach the earth; (3) and spirits of unburied bodies.<sup>45</sup>

This Babylonian magic formula is explicit:

Whether it be an *Ekimmu* that was cast out in the open field,  
 Or one cast out in the open field and not covered with earth,  
 Or one killed by a palm-tree,  
 Or one drowned on shipboard,  
 Or an unburied *Ekimmu*,  
 Or an *Ekimmu* which has not been mourned,  
 Or an *Ekimmu* who had no sacrifice to the dead brought,

Or an *Ekimmu* to whom no drink offering had been poured,  
Or an *Ekimmu* who had no descendants.<sup>46</sup>

The conclusion of the Gilgamesh Epic reads:

He whose body was cast out in the open field —  
Thou and I have seen such —  
His spirit cannot find rest in the earth.

The unburied person was thus not only a curse to the deceased, but also a peril to the living. The wandering ghost of the unburied was thought to wreak vengeance on the living by causing all sorts of evil.<sup>47</sup>

This view was fully shared by the Hebrews. The *mishpat* of Deut. 21:22 f. reads: "If a man is found guilty of a crime the penalty of which is death and he is executed and [then] you suspend him [i. e., the corpse] upon a tree, you shall not allow his corpse to remain upon the tree over night, but you shall surely bury him upon that very day, for a [corpse] suspended is an affront to a [i. e., its] ghost; and you shall not defile your land which Yahweh your god giveth you as a possession."<sup>48</sup>

Hanging itself was probably not practiced by the ancient Hebrews; the few cases where it is mentioned may not be Israelitic practice (Gen. 40:19, 22; 41:13; Esther 9:14, etc.; Josh. 8:29). It can be seen of all Hebraic methods of inflicting death that every effort was made to prevent (a) the soul leaving the body through the mouth before burial and (b) shedding blood upon the earth. Often enough this rule was not adhered to, but only extra-judici-

ally; and in these cases bloody deaths were always inflicted by an angry enemy anxious to wreak the most harmful destruction.<sup>49</sup>

II Sam. 21:12-14 narrates that because the bones of Saul and Jonathan were left unburied the country was overtaken by calamity which did not pass until their bones were properly interred.<sup>50</sup> To be left unburied is viewed as a terrible curse throughout the Old Testament literature.<sup>51</sup> So sacred is the duty of burial that Tobit, in defiance of the interdict of Sennacherib, buries the body of his slain co-religionists at the risk of his life (Tob. 1:17 ff.; 2:3-8). Job complains that God allows the wicked man to have an honorable burial (21:32 f.). Even the desecration of a grave was a kind of posthumous punishment (II Kings 23:16; Jer. 8:1 f.). Every effort was made to provide a decent burial within one's own country (II Sam. 21:10 ff.; I Sam. 26:20; Gen. 47:30; 50:25, etc.). Removal from the grave was a keen disgrace and only seldom practiced (Jer. 8:1 f.).<sup>52</sup>

While the dead were venerated they were also feared. Love and fear of the divine are closely related reactions.<sup>53</sup> Many travellers tell of the mounds of stones thrown up over the graves of Arabs — and each passing acquaintance adds to this heap.<sup>54</sup> No doubt this is an attempt to keep the dead in his place. Stones were undoubtedly thrown over criminals for this reason (Josh. 7:24 ff.; 8:29; 10:26 f.; II Sam. 18:17); and probably the *mazzebah* had also as one of its functions this securing of the dead. These stones after a time partook of sacredness themselves,

and it was by the stones that the spirits manifested themselves. The Jewish custom of throwing a bit of turf behind one when leaving the cemetery probably is of the same origin as the *mazzebah*.

The earlier view conceived of the dead as possessing a certain amount of self-consciousness, the power of speech and movement (Isa. 14), and even a supernatural knowledge — hence their name דֹעֲנִים, “knowing ones” (Lev. 19:31; 20:6; Isa. 19:3) and אלהים אלילים, “gods” (I Sam. 28:13; Isa. 8:19; 19:3). Rachel mourns from her grave for her children who are going into captivity (Jer. 31:15).

Sheol was but an eternal counterpart of earth. The prophet was distinguished by his mantle (I Sam. 28:14), kings by their thrones (Isa. 14:9), the uncircumcised by his foreskin (Ezek. 32). Those slain by the sword bore forever the marks of a violent death (Ezek. 32:25). As one left the earth so did one continue in Sheol. The dead went down to Sheol as by an underground passage, there to bear the physical marks of the last moments on earth.

This same set of beliefs may be found among the present day Bedouins. The souls of the departed may become good or bad spirits according to their life on earth. To the first group belong the souls of the saints and of those who have led a God-fearing life on earth; to the second group belong those who in this life led an evil, godless life, together with those who have had an unnatural end.<sup>55</sup> This is the reason that all murdered persons are covered with a stone.<sup>56</sup> The graves of saints are held in great honor,

while cemeteries and other places where blood has flowed are avoided. Compare the modern practice whereby a corpse is carried by a camel; to protect the animal, a cock is killed whose blood is allowed to flow over the back of the camel.<sup>57</sup>

One quite understands why the later prophetic view of the dead reduced the connection with the living, for Yahwism was opposed to this kind of thinking. Gen. 2:4b-25 seems to be the basis of a higher conception, where the soul placed in the body gives life, and death is due to its removal. I Sam. 25:29, referring to the "bundle of life" which was with God seems to be a more primitive form of this same idea.<sup>58</sup> Death did not imply annihilation; the soul exists in some measure, but weak and formless (*רְפָאִים*). So ingrained were the old ideas that even the late codes call the corpse a *nefesh*.<sup>59</sup>

Sheol, in the latest conceptions, is almost a synonym for *abaddon* or "destruction" (Job 26:6; Prov. 15:11); the dead cannot return (Job 7:9 f.; 14:12); they no longer have knowledge of what happens on earth (Job 14:21) or of the future; "there is no work, nor device, nor knowledge, nor wisdom in the grave whither thou goest" (Eccles. 9:10); they are but "dead ones" (*מוות*; Isa. 26:14; Ps. 88:11). The relations of the upper world are now forgotten: king and slave, oppressor and oppressed, good and bad are alike at rest (Job 3:14-19). All animation is at an end (Ps. 39:14; Job 14:7, 10).<sup>60</sup>

This conception is of course late, and it is to be questioned whether it was ever popularly held.

## II. SACRIFICES TO THE DEAD

The most patent evidence of ancestor worship among the Semites is found in their offerings to the dead. Probably offerings of blood were first made; this custom continued whenever it was possible; otherwise various surrogates were provided. Ashur-bani-pal had captive prisoners slain at the spot where his grandfather Sennacherib was slain, as food for him.<sup>61</sup> It is noteworthy that the expression *kispu* for the sacrifice to the dead is the same word used for the sacrifice to the gods of the nether world.<sup>62</sup> It was generally believed that the Babylonian demons drank blood and ate meat.<sup>63</sup> Special care was taken to supply the manes with water to drink and food to eat, and apparently to this end cisterns were dug in the cemeteries. These important offerings were made not only at the time of the burial, but also afterwards, by surviving relatives.

The son performed the office of pouring out water in memory of his father, and the water jar is never absent in the old Babylonian tombs; by the side of the jar the bowl of clay or bronze is found which probably served as a drinking utensil for the dead. Interesting to note is the fact that remains of food of various kinds are more frequent in the early graves than in those of later times. Ashur-bani-pal denied to his slain enemies the Dirge of the Water-Pourer. In a deed fixing a boundary, any man who should remove the boundary stone is cursed as follows: "May

Ninurta, lord of landmarks, rob him of his son, the water-pourer." The commemoration day of the dead was called, "the day of the feast of the dead," and the *nak me* priests, or "Water-Pourers," performed the libation rites at the graves. "At the mourning festivals of libations to the manes of my royal ancestors," says Ashur-bani-pal, "I put on the garments of mourning and bestowed a boon to gods and men, on the dead and on the living." To this he added a penitential prayer spoken by the king at the graves of his ancestors.<sup>64</sup>

Where there were no children, one might be adopted in order to pour water to the spirit after its passing.<sup>65</sup> It will be later shown that the dead required blood, and the water was but a substitute for this life-giving essence (Chapter vii). Amenhotep II sacrificed prisoners of war that "he may be given life for ever." So too prisoners were sacrificed beneath the feet of Rameses II "that his name may live forever."<sup>66</sup> These last Egyptian cases are exceptional in that the prisoners were killed before the death of the king.

In all parts of Syria, Palestine, and Arabia today there are sacrifices to the dead. Burckhardt says that it is the common practice of the Bedouins of Negd to slaughter as many camels as adult members of the family have died during the past year. This custom is followed even when the bereaved are reduced to losing all their camels. If they do not have even one camel, the nearest relatives must provide. If they do not have sufficient for the sacrifice at the time,

they must provide it in the next or in the following two years. Doughty gives a number of examples: "There is the sacrifice for the dead which I have seen continued to the third generation. I have seen a sheikh come with devout remembrance, to slaughter his sacrifice and to pray at the heap where his father or his father's father lies buried; and I have seen such to kiss his hand, in passing any time by the place where the sire is sleeping, and breathe out with almost womanly tenderness, words of blessing and prayer."<sup>67</sup>

The Seligmans report that communion between the quick and the dead is thought to exist, and sacrifices at the grave are common. Men kill a sheep at the graves of their fathers or brothers whenever they feel inclined, and in the case of an important man it is done often. A man will also slay an animal at the grave after a particularly vivid dream of a deceased father or brother. Or the sacrifice may take place in front of the dreamer's tent. Before warfare a man might visit the grave of a successful warrior and recite a formula of blessing. After dreaming of his dead father, one gives away the milk of his camels. Water is sprinkled on the grave after burial, and many customs show that the spirit is believed near.<sup>68</sup> Similar are the practices in upper Egypt.<sup>69</sup> Canaan has extensively reported the Palestinian customs.<sup>70</sup> On many Mohammedan graves are found circular cavities in which water is poured to slake the thirst of the dead. The Bedouins of the Sinai Peninsula once a year bring their herds to visit the

graves. Every sheep that runs directly into the cemetery or that stands still is sacrificed to the dead, for the Bedouins believe that the soul has chosen the animal. On special occasions (the Thursday of the dead), food and water are brought to the grave. In ancient times the Arabs would sacrifice a riding animal as often as they passed the grave of a holy man. In the earliest period of Islam we find a man who slaughtered a camel to his friend and said, "I have slaughtered a male camel because the relatives of the man are not present." In the second century after Mohammed, the father of Ga'far b. 'Ulba offered sacrifices to his son: he slaughtered all the young camels and sheep that he could find. "Cry with me," he is supposed to have said, "over Ga'far." And the camels and the sheep moaned and the women cried, and the father of the murdered man also wept.<sup>71</sup> There can be no doubt that it is the blood which the dead require.<sup>72</sup>

Naturally the Old Testament has retained but little of these popular customs, but there can be no doubt that the sacrifice to the ancestor was made. Deut. 26:14 is quite sufficient evidence. Every third year of tithing one must appear before Yahweh and recite a formula depositing that the portions of the Levite, the *ger*, the *yatom*, and the widow have been allotted, saying, "I have not eaten thereof in my mourning, neither have I put away thereof, being unclean, nor given thereof for the dead."<sup>73</sup>

The fact that every tithe-giver had to make the statement shows that the practice of feeding the

dead, or a strong disposition toward it, was widespread among the people.<sup>74</sup> Jer. 16:7, despite Schwally's attempt to construe it as further proof, is not convincing.<sup>75</sup> Ezek. 24:17, 22 is not too clear, but food to or for the dead is here indicated. In later literature there are many such references.<sup>76</sup>

Incense to the dead, probably because it is not quite so obviously an offering, is more frequently mentioned. Modern reporters note that incense burning is a most important and prominent feature of the sacrificial ceremony of the ancient funerary ceremonial, and the dead are supposed to take a special delight in smelling it.<sup>77</sup> "A great burning" was made for Asa, and his bier was covered with incense and spices (II Chron. 16:14). But Jehoram had no incense burning, as had his fathers (21:19). Amos 6:10, מִסְרָפֶת, cannot mean "he who burns him," but rather, "he who makes a burning (of incense) for him." When Gamliel II died, the pious Aquila honored him by burning seventy minae of balsam, according to an old custom observed at the burial of kings.<sup>78</sup> It is noteworthy in the same instance to see that incense was efficacious in banning demons (Tob. 6:1-7). While incense was used by the Egyptian and the Babylonian-Assyrian cult, it is not mentioned until comparatively late in the Old Testament (Jer. 6:20; Isa. 43:23). Of course incense is mentioned in the sacrificial legislation, but it is the prerogative of the high priest to offer it. Uzziah was severely punished for presuming upon this prerogative (II Chron. 26:16 ff.), and the Levites who attempted

to bring this offering without being entitled to do so, suffered death (Num. 16:6 ff.; 17:1 ff.). But the two priests entitled to perform the service, Aaron's sons, Nadab and Abihu, also perished when they committed the error of putting profane fire into their censers when they offered this most holy sacrifice (Num. 3:4; 26:61). Both the Biblical and the Talmudic legislation are very explicit in naming the ingredients of the incense.<sup>79</sup> All these facts combine to show that incense offering had certain esoteric functions, probably connected with sacrifice to the dead.

The statement of Gen. 35:14 that Jacob poured out a drink offering over the *mazzebah* at Beth-El, presumably Deborah's grave, no doubt indicates that in ancient Israel there was sacrifice to the manes. Ezek. 43:7-9 points out that in the burial of the descendants of David, non-Yahwistic cult-customs were practiced. The slaughtering of the heifer for the unknown murderer is probably a survival of an original offering to the dead (Deut. 21:1-9). At the time of the lawgiver it had lost its character as a sacrifice; otherwise it would have been made necessary to perform this ceremony in Jerusalem, but later the ceremony must again have been considered an offering, for v. 5 rules that the ceremony must be undertaken by the Levites, Yahweh's chosen priests.<sup>80</sup>

Other mourning customs, permitted and prohibited, seem to be related to sacrifice to the dead, in which various substitutes for blood are offered.

Robertson Smith has shown by extensive evidence that hair-offerings, tattooing, and clothes and armour offered by mourners are but substitutes for blood.<sup>81</sup> There is the alternative theory that these disfigurements are but the means of preventing the spirit from recognizing the living.<sup>82</sup> Much can be said in favor of this latter theory, but a full discussion cannot be attempted here; however, in either case or in a combination of both — superstitions are not strictly logical — we can recognize a close awareness of the dead ancestor.

Cuttings in the flesh, accompanied by removal of the beard, tearing of garments, bearing of offerings and incense, appear as a general custom in Jer. 41:5, notwithstanding the distinct prohibition of Deut. 14:1. Instead of the verb חַנְדָּר used in these two passages — and the form גַּדְוֹת found in Jer. 48:37 — there is in Lev. 19:28 the command against making a שֶׁת for a dead person, or printing any markings (writing of γραμμή) on the flesh, the latter being evidently a kind of tattoo. Driver, commenting on Deut. 14:1-2, says that “the Israelites, being Jehovah’s children, are not to disfigure their persons in passionate or extravagant grief.” But it is obvious that grief would not generally go to the lengths of disfigurement, and the prohibition seems to indicate an opposing religious cult. Cuttings in the flesh were part of the Ba’al ritual (cf. I Kings 18:28); this was prohibited, but not wearing sackcloth.<sup>83</sup> These rites are mentioned by the eighth century prophets without animadversion (Amos 8:10; Mic. 1:16; Isa.

15:2 f.; 22:12). The covering of the head (II Sam. 15:30; Esther 6:12) and the beard (Mic. 3:7; Ezek. 24:17) as a mark of mourning on account of death or other calamity can be explained with Schwally as a substitute for cutting off the hair from head and beard.<sup>84</sup>

The clearest instance of actual mourning, in II Sam. 19:5, by covering the face reminds one of the same act performed in the presence of Yahweh (Exod. 3:6; I Kings 19:13). Margoliouth explains this: "As the covering of the face was prompted by the fear of beholding the Deity (Exod. 33:18 ff.), it seems likely that the mourner was also afraid of seeing the ghost of the departed (which is of course different from deceiving the ghost by a disguise)."<sup>85</sup> However, the custom may merely be an extension of the idea of covering the hair, which in turn is derived as a substitute for removing the hair.

The characteristic feature in cutting off hair consisted in making a baldness "between the eyes" (Deut. 14:1). The beard was apparently cut off entirely (cf. the verbs, *עָרַח*, *נִלְחַת*). The offering of hair in the ritual of Yahweh is clearly attested in the case of the Nazirite (Num. 6:18). Certainly all these rituals also have the idea of humiliation (II Sam. 10:4; I Chron. 19:4), but primarily they are marks of worship of the dead. Deut. 14:1 undoubtedly opposes these practices because they are abhorrent to Yahweh, and it is a brilliant surmise of Margoliouth that the place described as lying between the eyes may have for this very reason been chosen

for the *totafot* (Deut. 11:18, etc.); that is, to adapt an anti-Yahwistic custom for Yahwism.<sup>86</sup> The absence of a prohibition regarding the removal of the hair from other parts of the head and from the beard in connection with mourning may be accounted to the fact that according to Lev. 19:27 this was prohibited under all circumstances. Trumbull thinks that the *totafot* were amulets representing a blood covenant with the deity.<sup>87</sup>

The putting off of shoes by the mourner (II Sam. 15:30; Ezek. 24:17) reminds one of the removal of shoes when approaching holy places (Exod. 3:5; Josh. 5:15).

Lamentations, whether natural or professional; funeral repasts; fasting; the laws of uncleanliness; and Purim have been taken to prove ancestor worship by a number of investigators. But the arguments are not too cogent, and opposing evidence more than counterbalances the theories.

Many of the funerary customs found in the Old Testament are paralleled among the Bedouins and other Semites, often with striking proof that various rites represent sacrifices of blood poured out to the dead.<sup>88</sup>

### III. TERAFIM

We have already noted the solidarity of the family, which possessed its own cultus and burial place. The body might even be placed "in the house" (I Sam. 25:1; I Kings 2:34), that is, "under the

house.”<sup>89</sup> An early Islamic and probably pre-Islamic custom was the placing of a tent over the honored dead, and then living there some time after the interment. A customary cry of mourning of the wailing women and poets was, “Do not leave us.” When Al-Hasan, the grandson of the Calif ‘Ali died, his wife put a tent over his grave and lived there a year, and when she left a heavenly voice was heard to say, “Have you then already found what you lost?” Whereupon another voice was heard to respond, “No, but she has submitted to her fate, and she has therefore departed.” Later this custom of living at the grave was condemned.<sup>90</sup>

What the Biblical *terafim* was it is quite impossible to tell exactly, but undoubtedly it was connected in some way with the spirits of the ancestors, and constituted a kind of protective deity. Probably those who actually possessed *terafim* in their homes would have been quite incapable of giving a more precise explanation. Perhaps originally it was the headpiece, the *mazzebah*, to the grave under the house (at the threshold), and later took on a sanctity of its own. Even the larger rocks, the bethels, were often fashioned to a rude similitude of the departed.<sup>91</sup> What the etymology of *terafim* is we can only surmise, although it is possibly derived from the same root as the Assyrian *tarpu*, ghost;<sup>92</sup> its plural may be the plural of majesty.<sup>93</sup> The *terafim* was some kind of idol, probably of small size (Gen. 31; I Sam. 19:13, 16), and close to the door (Exod. 21:2–6).<sup>94</sup>

Islam forbids using houses as burial places, but

Mohammed himself was buried in his house; adjacent to him was his first descendant.<sup>95</sup> The excavations in Palestine have uncovered under private homes many skeletons, both of infants and adults. *Pirke d'Rab Eliezer* (Chap. 36) defines *terafim* as follows: "The first-born is slaughtered; his head is plucked off and covered with salt and oil. Then the name of an unclean spirit is written on a piece of gold, and placed under his tongue. Then he is placed in the wall, lamps are placed before him, and he is worshipped, and he speaks with the worshippers." This idea that the *terafim* was the first-born is also mentioned by Targum pseudo-Jonathan on Gen. 31:19.

Whether the *terafim* was an image of the ancestor or of the first-born makes little difference so far as function is concerned. It will be shown in Chapter VII that the first-born was particularly sacrosanct to the ancestors.

It is also possible that the *terafim* was an idol of the deity, but the context in which the word is used makes this improbable.<sup>96</sup> Perhaps in the later development of the concept, the *terafim* was regarded as a representation of Yahweh, developed from the early ancestor image.

The Israelites, like the Canaanites, the Philistines (I Sam. 5:4), and the pagans (Isa. 44:13 ff.; Ps. 115:4-8), undoubtedly possessed idols in human form (Deut. 4:16; I Sam. 19:13 ff.; Ezek. 16:17). Besides, such names as סמל, *statue* (Deut. 4:16; Ezek. 8:3, 5; II Chron. 33:7, 15); תבנית, *model* (Deut. 4:16, 18; Isa. 44:13; Ezek. 8:10); חמונה, *form* (Deut.

4:16, 23, 25; 5:8; Exod. 20:4) are suggestive. Crookes says, "The practice of erecting carved representations of deceased ancestors is one of the many sources from which the idol was probably evolved."<sup>97</sup>

The question is raised by Lods how the *terafim* could have been stolen if it was the image of an ancestor; of what value would it have been to the thieves.<sup>98</sup> Of course in the case of Michal and Rachel the ancestors of their fathers were their own ancestors as well.<sup>99</sup> Lods does not think that the images of ancestors would have been treated with such scant ceremony. But if the *terafim* was a representation of a deity, as is the only other alternative, the women's action would have been even more reprehensible. Lods also questions Judg. 17-18 and Hos. 3:4. Judg. 17 and 18 are highly important for the explanation of sacrifice and the priesthood; without analyzing the material in detail, it is enough to say that the *terafim* accompanied the Levite (Judg. 18:18 f.) because he was to be the priest and the father to the Danites. The *terafim* and other objects were a travelling set of numina. Similar is Hos. 3:4 where *terafim* has already lost its original meaning, and has become an oracular instrument. It is worth noting that the Peshitta to Zech. 10:2 still translates *terafim* as דְּעָוִיִּים. Aquila renders the word *terafim* by "figures"; the Septuagint of Genesis by "images," of Ezekiel by "carved images," of Zephaniah by "oracles," and of Hosea by "manifest objects." We shall soon see that the ancestors were much used for prognostication; so too, the *terafim*.<sup>100</sup>

Following a suggestion of Barnes,<sup>101</sup> S. Smith<sup>102</sup> associates the *terafim* with the Babylonian prophylactic figures described by Woolley,<sup>103</sup> which were small terra cotta and copper figures of deities, buried under the floors or in the walls of rooms where the sick might be treated. Smith says that the figurines found in Palestinian excavations are "frequently found in cemeteries, either loose or in the coffins or burial pots, and are meant to protect the place from the jinn that frequent burial grounds. But they were also used in ordinary houses, and served the same function there." He derives the word *terafim* from **תְּרָפֵת**, "to heal." However, it is more probable that the *terafim* were representations of the dead, and not prophylactics against their ghosts.<sup>104</sup>

Exod. 21:2-6 regarding the piercing of the ear of the slave differs from Deut. 15:16 f. and other ancient codes<sup>105</sup> where the slave's ear is pierced or cut off, by stating that the slave shall be brought to the **בֵּתֶן** at the doorpost. Undoubtedly this rite signified that the slave became a member of the family by means of the blood covenant offered to the ancestors or the deity. This is most completely borne out by the widespread Semitic belief that the jinn dwell in the threshold.

The literature on this subject of the blood covenant is voluminous.<sup>106</sup> For example, the Palestinian Bedouin brings his bride to the doorway of the house and then beats her hand flat to the doorpost.<sup>107</sup> But it is dangerous for the bride to enter the house without making a blood sacrifice at the door. The bride

is therefore lifted over the threshold, or she walks across a sword. Later a sheep or a cock is sacrificed, and then buried; the blood is sprinkled on the threshold, or as a substitute the bride plasters a handful of dough on the upper threshold.<sup>108</sup> The jinn are called "masters of the house."<sup>109</sup> The Babylonians had a protective deity of the house,<sup>110</sup> and Zimmern quotes a number of significant tablets which have to do with the preparation and service of the images as household deities.<sup>111</sup>

#### IV. ANCESTOR WORSHIP

In Chapter III was discussed the close family unity, as well as the veneration of the father by the son, and the desire for male offspring by the father. Among the Arabs the son is beloved by his father before his own soul and next after the man's own father.<sup>112</sup> The Old Testament law, which permitted a priest to mourn only for close relatives, did not allow him, for instance, to mourn for his wife, for she was outside the circle of the ancestral cult.

Every effort was made to keep the name of the family alive; to the name of the father is generally added that of a more remote ancestor, whose name stamps the family throughout the generations.<sup>113</sup> The progeny, the "seed," is identical with the name (Isa. 66:22). The Israelites hailed their king with the cry that he should live forever, and the king gained this eternal life through his children (I Kings 1:31; Ps. 21:5; 45:7; 61:8). As long as the sun shines

the king's name is to send forth shoots (Ps. 72:17).

The extermination of the name is the strongest expression of annihilation.<sup>114</sup> Absalom set up a stone (in lieu of *terafim*?) during his lifetime, for he said, "I have no son to make mention (בְּעֵבֶר הַוְכִיר) <sup>115</sup> of my name." Thereupon he named the *mazzebet* after himself, and it has been called the extension (ת') of Absalom even to this day (II Sam. 18:18).<sup>116</sup>

The dead without descendants suffer and pine. At the end of the Gilgamesh Epic we read:

Concerning the ghost who has none to mourn for him —

You saw that? Yes I saw that! —

Remnants from pots, morsels of food

That have been thrown on the street must he eat.<sup>117</sup>

Although Kaufmann Kohler found it necessary to leave Germany for America when he made the suggestion in 1867 that the tribal eonyms were probably originally tribal deities,<sup>118</sup> such a statement is not so fulminatory today. We may go further and safely declare that before these eonyms were deified, they were actually conceived of as the fathers of the stock, and were offered the homage due revered ancestors. Practically all Semites conceive of social or racial groups as descendants of an original ancestor. It is not necessary to give detailed instances in the Old Testament.<sup>119</sup> It will suffice to point out briefly some of the evidence that the eonyms were thought of as deities.

Isa. 63:16 points to the anti-Yahwistic belief in

the deification or semi-deification of ancestors. By "anti-Yahwistic" is meant attitudes, beliefs or customs which were opposed to the higher conceptions of Yahweh. The supremacy of Yahweh is emphasized by the prophet's statement that "Abraham knoweth us not, and Israel doth not acknowledge us." This is clearly an admission that Abraham and Israel (Jacob) were regarded popularly as tutelary deities who interested themselves in the condition of the people, and on whom one could call for aid in times of distress.<sup>120</sup> Isaac in Gen. 31:53 is identified as a deity.<sup>121</sup> The forms Jacob-el and Joseph-el in the list of Palestinian place names belonging to the reign of Thutmos III point to the same thought.<sup>122</sup> R. Weill notes that Abraham, Isaac, Jacob, and Joseph, before being presented as founders of certain holy places, were very likely tutelary genii of Hebron, Beersheba, Bethel, and Shechem.<sup>123</sup> Asher,<sup>124</sup> Dan, Gad,<sup>125</sup> Manasseh,<sup>126</sup> Reuben,<sup>127</sup> Levi,<sup>128</sup> Simeon<sup>129</sup> have been more or less completely identified as divine or semi-divine beings. A. H. Godbey has reconstructed a most plausible myth pattern about a David cultus.<sup>130</sup> It is futile, however, to expect to find many obvious remnants of this anti-Yahwistic ancestor cult. Worth considering, on the other hand, is the fact that there are many such relics in the post-Biblical literature.<sup>131</sup>

Besides the beliefs and the customs already mentioned, there is much evidence to show that the Semites actually thought that the dead manifested themselves either visibly or by their actions.

Necromancy was decidedly anti-Yahwistic, but nonetheless there is at least one clear case in the Old Testament of the dead returning. In I Sam. 28:7 ff. Saul consulted the witch of Endor, who caused Samuel to materialize. In Isa. 8:19 the people are distinctly charged with inquiring of the dead on behalf of the living; and Isa. 65:4 may have to do with necromancy practiced at graves. The inquiring of the dead is everywhere forbidden, whereas the use of *terafim* is not always so interdicted.<sup>132</sup>

Grüneisen thinks that the witch of Endor was a charlatan and that visitations were otherwise unknown.<sup>133</sup> But Zimmern shows that in both Babylonian and Hebrew the word נְבָעַת (I Sam. 28:8) is used as a technical term for raising the dead.<sup>134</sup> Necromancy played a prominent part among the Babylonians,<sup>135</sup> and Thomas informs us that in Arabia men are often put to death because they are suspected as witches.<sup>136</sup>

The dead saints are often appealed to today for fertility and are supposed to aid in childbirth.<sup>137</sup> The Seligmans report that the Kababish women visit the graves of saints in order that they may bear.<sup>138</sup> This is also true in upper Egypt, where a custom points to the belief that the dead are reincarnated: "A certain number of childless women sent appealing messages to me, asking if I would let them have one of the bones which were scattered in great numbers about the ancient burial site on which the camp is situated. Their object was to step or jump over the bone in order to ensure, as they believed, the

production of offspring.”<sup>139</sup> Miss Blackman also reports the custom of circumambulating the mouth of a tomb seven times in order to ensure fertility. With this can be compared the Biblical Be’er Sheba, or “Well of the Seven,” where a theophany occurs (Gen. 21:17; 46:1 — notice here that Jacob offers sacrifices to “the *Elohim* of his father Isaac”; I Kings 19:3 ff.). In Palestine today vows are paid by the Arabs to the saints in the form of offerings. It is believed that the dead saints have answered their various petitions, as for the birth of children, for recovery from illness, for physical strength, for protection of a journey, for a good harvest. The vows are either paid when the benefit is received or at the annual festivals.<sup>140</sup> Burckhardt says:

The coffin of the sheikh is deposited in a small rude stone building; and is surrounded by a thin partition of wood hung with green cloth, upon which several prayers are embroidered . . . They make frequent vows to kill a sheep in honour of the sheikh should a wished-for event take place; and if this happens, the votary repairs to the tomb with his family and friends, and there passes a day of conviviality. Once in every year all the tribes of Towara repair hither in pilgrimage, and remain encamped in the valley round the tomb for three days. Many sheep are then killed, camel races are run, and the whole night is passed in dancing and singing.<sup>141</sup>

Unproductivity of the Palestinian soil is ascribed by the Arabs to the ground-demons. Therefore farmers are accustomed to sprinkle new break-land with the blood of a peace-offering; and when they build,

they sprinkle blood upon the stones lest by any evil accidents the workmen's lives should be endangered.<sup>142</sup> Blood is also sprinkled to the jinn for health in many circumstances; and when digging a new well, blood is sprinkled on the rock above the spring, as an offering to the spirit who dwells in the well.<sup>143</sup> Formulas are often found in Babylonian literature which are particularly used against the spirits of the dead when they become agents of sickness.<sup>144</sup> The Assyrians thought that the ghost of the man or woman returned if it became hungry or if its descendants ceased to perform due rites or offer sacrifices on which it might feed. The blood of animals slaughtered at the grave trickled down to reach the hungry spirit in the underworld, and hence the belief in such sacrifices. Ishtar when she descends to the underworld threatens to break down the door of Hades:

I will smite the door; I will shatter the bolt;  
I will smite the threshold; and tear down the doors;  
I will raise up the dead, that they might devour the living.

Another tablet:

The gods which seize (upon me) have come forth  
from the grave,  
The evil vapours have come forth from the grave,  
To demand payment of rites and the pouring of libations  
They have come forth from the grave.<sup>145</sup>

Why are the jinn thought to dwell in those places which have a direct connection with the under-

ground, in trees whose roots are in the underground, in cisterns, springs, caves, mountain clefts and in graves.<sup>146</sup> Undoubtedly because it is believed that they find many passages through the graves where the dead are interred. Stones can be inhabited because they are buried in the earth or they cover the dead. There are many instances of sacred stones in the Old Testament.<sup>147</sup>

Just as in Egypt,<sup>148</sup> so in Palestine, the important people — the saints — were buried in high places.<sup>149</sup> Curtiss was told that the spirit "would visit any desecration of the grove, such as the cutting or mutilation of the trees, with death." Each of these high places is the burial spot of a saint. The saint is reputed to be able to cure various diseases; and he is supposed to reside in the stones, in the grave, or in the ground; he is worshipped at the spot where his body was buried.<sup>150</sup> Note that Deborah was buried under a tree — the oak of weeping (Gen. 35:8); the first king of Israel was buried under the tamarisk at Jabesh (I Sam. 31:13). In the Old Testament there is much evidence that the deity was worshipped under trees.<sup>151</sup>

The Fellahin promise a certain proportion of grain to the *weli* with the understanding that he will give them good harvests; they even present the first fruits to the saint or reserve certain trees or wines for him.<sup>152</sup>

It is known that anything placed in the saint's shrine is safe. I have seen plows and other agricultural implements piled upon the grave of a *weli*, exposed to

the sky; and timbers leaning against the walls of a mezar in the land of the children of Ammon; and grain inside of a ruined church in the Druse mountains, once sacred to St. George. No thief would dare touch any of these. No Arab, though he might seek to rob a threshing floor in the immediate vicinity, would ever dream of invading the sacred precincts of the makam. He would expect the *weli* to visit dire vengeance upon him. It is for this reason that the boldest spirits do not ordinarily venture to molest sacred trees, because they are considered the property of the saint. On his premises he has a power which the people would never think of assigning to God.<sup>153</sup>

Some saints are regarded as omnipotent; others have power extending about twenty miles.<sup>154</sup>

The dead could appear in various forms. Sometimes they might inhabit the living. It has been suggested by Frazer that the reason the widow was called *אלמנה* (*אֲלָמָנָה*) was because she kept silence, so as not to attract the attention of the ghost.<sup>155</sup> This idea is found among many peoples, and it is significant that at least one Arab custom bears this out:

No woman may look at the face of a man after his burial ablution, except such as could never have expected to marry him, that is, his mother, sister, or daughter. His own wife is considered divorced, either because he pronounced a divorce himself, or else by the fact of his death; in consequence a look from her, who is now a marriageable woman, would be considered as adultery. The same applies to a man in the case of a deceased woman.<sup>156</sup>

The concept of the dead as a bird is found among the Egyptians, Babylonians, and Arabs. The dead

in the Old Testament are often referred to as murmuring and chirping (Isa. 8:19; 29:4); the expression נְפָצָב is used also for a bird (Isa. 10:14; 38:14). In Ishtar's journey through Hell, the inhabitants of the underworld are "clothed like birds in a garment of wings." The Egyptians believe that at death the soul (*Ba*) leaves the body in the figure of a bird, but with man's hands and body. It flies out of the body and leads a separate existence.<sup>157</sup>

Says Wellhausen: "The spirits of the dead appear as birds, particularly as owls, and in this form mourn their sorrow on the gravestones."<sup>158</sup> G. Jacob gives many quotations verifying this; and notes that when the bird says, "Give me to drink," it refers to the blood of the murderer.<sup>159</sup> According to Doughty, some of the Arabs among whom he travelled sacrificed to angels. They cooked part of the flesh of an animal, which they distributed among their friends, and part of it they hung upon the branches of sacred trees, which are the places where angels are thought to reveal themselves.<sup>160</sup>

Canaan reports that the circular cavities in which water is poured, found on many Mohammedan graves, is intended to provide water as a contribution for the birds, "charity in the name of the dead" — and at the same time it is believed that the water is to slake the thirst of the dead.<sup>161</sup> Blackman tells of her experience:

I have been told by two or three of my village friends that when the people go to visit the cemetery, and they see a number of small green birds near the

graves, they believe that these birds are the souls of the dead who lie buried there.<sup>162</sup>

Lane says that "souls of martyrs reside in the crops of green birds, which eat of the fruits of Paradise and drink of its rivers."<sup>163</sup>

The dead were often thought to reside in the stars. Curtiss mentions the Bedouin belief that heroes, like Ali, the cousin and son-in-law of Mohammed, have been deified and appear in a heavenly body. Sometimes Ali is thought to be in the sun, sometimes in the moon. The angels are the stars, and the true believers are identified with the Milky Way. "A missionary was trying to teach the children of a Moslem woman that they were descended from Adam and Eve. 'No,' said the woman, 'the moon is our father and the sun is our mother.' "<sup>164</sup> Palgrave says: "God is for them a chief, residing mainly, it would seem, in the sun, which indeed they in a manner identify with him . . . somewhat more powerful, of course, than their own head man . . . but in other respects of much the same style and character."<sup>165</sup> Curtiss agrees that the Bedouins "have a hazy idea of God, as the first cause, but the worship of spirits and ancestors is more of a power in their lives."<sup>166</sup>

We have been led to the conclusion that the dead and the deity were often thought to merge their functions and identity. Just as the Bedouin Moslems confess no God but God and yet recognize the departed saints as their real deities, so too the ancient Hebrews found that they could reconcile their deification of their ancestors with that of their higher

concepts of God. Perhaps their idea of God was largely influenced by beliefs about the dead. In the Old Testament there are even definite traces of a demonology,<sup>167</sup> which may be compared with the Bedouin myths that the evil spirits of the dead adversely affect the living, even possessing the ability to marry, bear children, and die.<sup>168</sup> The spirits of the dead are believed by the Bedouins to be more easily reached than is God; neither can they be avoided or deceived; they graciously receive the prayers, gifts, and sacrifices of their worshippers.<sup>169</sup> They are called father. Whenever and wherever they are invoked they answer the call, although experience has shown that the saints will answer more promptly if the person calling upon one of them goes to his sanctuary.<sup>170</sup>

Morgenstern, in an excellent study of the nature and history of the ark of Yahweh, comes to the conclusion that:

The ark contained a sacred object in which Yahweh, the tribal deity of Ephraim, was thought to dwell. This object, most probably a sacred stone, had probably stood originally in the desert, perhaps upon a mountain out there. The presence of this deity in this object made this spot sacred, the place of gathering and of simple religious worship by some one clan or tribe, or perhaps some small group of clans or tribes. When this clan or tribe or tribal group migrated from their original desert home, and sought a new and permanent abode in the country west of the Jordan, they carried with them in its ark, in which perhaps it had already been housed during the desert period, this sacred object with the deity residing in it. They looked upon it as

their faithful and unerring guide through the desert, particularly through stretches with which they were but little familiar. They were accustomed also to carry it with them into battle, at least into decisive battles, and to attribute to its presence and assistance all victories gained in such battles. They likewise looked to it for oracular revelation and decision.<sup>171</sup>

Numerous indications, on the other hand, show that the ark might be a development from the custom of carrying the bones of the dead hero into battle. The custom of bringing dead heroes in their coffins to the affray lasted on until the eleventh century or later among the Arabs.<sup>172</sup> בָּנָה is the word used for a receptacle for the dead (Gen. 50:26) as well as for the ark. Joseph's bones were taken to Canaan by the Israelites who left Egypt (Exod. 13:19). The saint's name may be invoked in battle today, and it is of interest to consider the legends which ascribe auto-motion to the coffin of a dead saint, just as the ark was supposed to have directed its own course.<sup>173</sup>

The query, "Is religion derived from ancestor worship?" is in that class of questions to which neither a "yes" or "no" answer is satisfactory. While the veneration of the distinguished dead is often similar to the veneration of the deity, and while many of the beliefs, customs, and rituals connected with the idea of God may have sprung from ancestor-worship, it cannot be said that God, even to a primitive, was a will-o'-the-wisp, a figment in a ghost's image. Yahweh was always regarded as essentially a God of the living, and therefore, unlike Osiris and

Tammuz, he had little connection with the dead. Doctrines such as that developed by Herbert Spencer,<sup>174</sup> that religion and the deity are but evolved ancestor worship and dead heroes, disregard the essential reality of God.

## NOTES TO CHAPTER V

<sup>1</sup> *Sex and Culture*, p. 264.

<sup>2</sup> In *ESS*, II, 54.

<sup>3</sup> Westermarck, *Marriage*, II, 344.

<sup>4</sup> *Ibid.*, II, 345.

<sup>5</sup> Philo Judaeus, *Opera*, I, 759.

<sup>6</sup> Westermarck, *Marriage*, II, 346.

<sup>7</sup> *Ancient City*, p. 116.

<sup>8</sup> Gen. 9:25 ff.; 27:4, 19, 23, 25, 27 ff.; 48:9, 14 ff.; 49:1 ff.; cf. Cheyne in *EB*, p. 592; Nowack in *JE*, III, 244; Pedersen, *Israel*, pp. 199, 206, etc. The idea is found late in Eccl. 3:8 ff. The Moors say, "If the saints curse, the parents may cure; but if the parents curse, the saints will not cure." Westermarck, *ibid.*, II, 348. The curse of a dying person was the strongest of all curses, the ancient Arabs thought; Wellhausen, *Reste*, pp. 139, 191.

<sup>9</sup> *Leben nach dem Tode*, p. 68.

<sup>10</sup> Torge, *Seelenglaube*, p. 68; etc.

<sup>11</sup> M. Morris in *JAO*, XXIV, 411.

<sup>12</sup> *Intro. to Hist. of Religion*.

<sup>13</sup> *Primitive Culture*, II, 113.

<sup>14</sup> W. Crooke in *ERE*, I, 425; Unwin, *Sex and Culture*.

<sup>15</sup> It is worth while to present a summary of Unwin's findings. First in the scale in descending order are the *deistic* peoples. "Among the uncivilized deistic peoples of whom I speak most temples hold different powers. These appear to have been ghosts of powerful dead men, whose cult was handed on from generation to generation. (I define a temple as a roofed building, other than a gravehouse, in which a power in the universe manifests itself, and which is specially erected and maintained in order that a right relation may be preserved with such power, the building itself being of such size that a man can stand upright in it.)" *Sexual Regulations and Cultural Behaviour*, p. 7.

"Some uncivilized peoples had not enough energy to build a temple. When they suffered in a manner they did not understand, or wished to have extra-mortal assistance, they went to the grave of, or to a shrine that had belonged to, a powerful dead man. Over the grave a small hut

might be erected; the shrine might be embellished by a small altar, or fireplace, or be surrounded by a little wall or fence; but the attention paid to the man was not continued for generation after generation. He was soon replaced in popular favor by a wonder-worker newly dead.

"I call this *manistic* behavior, which was of two kinds. This kind is *cult*.

"Some manistic peoples did not credit the ghosts of the powerful dead with any greater power than they themselves possessed. In their opinion such ghosts could merely cause trouble in the same way as living men caused trouble; and on such occasions the dead man had to be conciliated by an offering of payment similar to that which had appeased his anger when he was alive. Over his grave a little hut might be built. Alternatively, a relic of him might be preserved, in these huts; and since they were not made to obtain help, but to avoid danger, I call them *tendance*. The ghosts of powerful dead men were not the only powers conciliated by manistic peoples. In any unusual, incomprehensible event or phenomenon they saw a power which they regarded as both dangerous and desirable, and which was manifest in any stone, animal or tree of uncommon type or unusual appearance, and in any object the nature of which they did not understand. Offerings might be made in any place where this power was manifest, and a small hut erected to contain them." (P. 8.)

"The third class of uncivilized peoples is called *zoistic*. People that behaved zoistically neither erected temples nor paid any post-funeral attentions to their dead. When they were in trouble they merely placed an offering before the strange power. Any man whose manner of birth or life was abnormal was credited with its possession, and was therefore regarded with awe and admiration. We call him magician." (P. 9.)

"Now the evidence is that these three different modes of behavior invariably accompanied three different kinds of sexual opportunity. By sexual opportunity I mean the opportunity to gratify a sexual desire. Sometimes the social conventions forbid such satisfaction." (P. 12.)

"Societies that permitted pre-nuptial freedom were in the zoistic condition and behaved zoistically. Conversely, all zoistic societies permitted pre-nuptial freedom. Societies that inflicted an irregular or occasional continence were in the manistic condition and behaved manistically. Conversely, all manistic societies inflicted an irregular or occasional continence. Societies that insisted on complete pre-nuptial continence were in the deistic condition and behaved deistically. Conversely, all deistic societies insisted on complete pre-nuptial continence. I know of no exception to these rules, which hold good for all races and all geographical environments." (P. 13.)

"But the relation between the factors is even closer than this evidence suggests. Among the societies that inflicted an irregular or occasional continence, the intensity of that continence varied. Comparative

evidence is scanty, but where it exists we see that those manistic societies which conducted a cult as well as a tendance of the great dead, which remembered and conciliated a powerful dead man for the longest period, and which introduced more elaborations into their sacred places than other manistic societies, were also the ones among which the intensity of the irregular or occasional continence was relatively the greatest." (P. 14.)

"According to the amount of continence they compelled, the post-nuptial regulations adopted by human societies in the past divide themselves into three periods.

"First, neither party to a marriage may have been compelled to confine his or her sexual qualities to the other. Such regulations may be called a modified monogamy or a modified polygamy. It does not matter whether one partner, or more than one, is possessed at the time; if the association is terminable at will, there is no compulsory post-nuptial continence.

"The post-nuptial regulations of all uncivilized deistic societies fall into this class.

"Other societies have adopted what I call an absolute polygamy; that is, they permitted a man to have more than one wife, but each wife had to confine her sexual qualities to him.

"Absolutely polygamous societies have preserved their deistic tradition, but no such society has advanced to the rationalistic state. If it has shown signs of doing so, we find that its members have married women that were reared in a sterner tradition. In such a case, as soon as the absolutely polygamous tradition was inherited by a complete new generation, the energy of the group decreased." (P. 16.)

The highest group of all Unwin terms the *rationalistic*. But among those he studied none reached that standard. See *Sex and Culture*, p. 13; cf. also *Sexual Regulations and Human Behaviour, passim*. Unwin's study includes the analysis of the social and religious beliefs of eighty uncivilized groups.

<sup>16</sup> Crooke, *ERE*, I, 432, contrary to Unwin, thinks that ancestor worship "with few exceptions tended to raise the status of women." Besides, "to the same belief the sanctity of the household, and, as a consequence, the inviolability of marriage, have been much indebted."

<sup>17</sup> *Kyrios*, III, 336.

<sup>18</sup> *Making of Religion*, esp. Chap. xvi, p. 268.

<sup>19</sup> H. R. Hall in *ERE*, I, 440.

<sup>20</sup> *MDPV*, 1905, p. 10; 1906, p. 55.

<sup>21</sup> *MDPV*, 1906, pp. 9, 19.

<sup>22</sup> *Ibid.*, pp. 23, 60.

<sup>23</sup> *Ibid.*, 1904, p. 53; 1906, p. 54.

<sup>24</sup> *NKZ*, 1909, p. 127; *MDPV*, 1905, p. 35.

<sup>25</sup> Cf. E. J. H. Kraeling in *AJS*, XLI, 174.

<sup>26</sup> G. Margoliouth in *ERE*, I, 440; cf. also, Sayce, *Religion of Ancient Egypt and Babylonia*, p. 276; J. Morgenstern in *MVAG*, X, 1; King, *Babylonian Religion*, p. 216; Dhorme, *La Religion Assyro-Babylonienne*, p. 211; Jeremias, *Babylonisch-Assyrischen Vorstellung vom Leben nach dem Tode*; *idem* in *AO*, I, 3; Delitzsch, *Land ohne Heimkehr*.

<sup>27</sup> Add further, Torge, *op. cit.*; Borchert, *Animismus*; Charles, *Doctrine of a Future Life*; Beer, *Biblische Hades*; Lods, *La Croyance*; Duhm, *Theologie der Propheten*; the later works of Frazer; Kautzsch in *HDB*, extra vol., p. 614; G. Margoliouth in *ERE*, I, 449; Morgenstern in *HUCA*, Vols. IV, V, VII; S. A. Cook in *WRS*, *Religion*, p. 503, etc.

<sup>28</sup> *Études sur les religions sémitiques*, p. 304.

<sup>29</sup> *Tod, Seelenglaube und Seelenkult*.

<sup>30</sup> R. H. Charles in *EB*, p. 1338.

<sup>31</sup> Charles, *EB*, p. 1339.

<sup>32</sup> Cf. Pedersen, *Israel*, p. 460; Charles, *ibid.*

<sup>33</sup> Torge, *op. cit.*, p. 117, n. 4.

<sup>34</sup> Meissner in *WZKM*, XII, 61.

<sup>35</sup> Burckhardt, *op. cit.*, p. 281; Canaan, *Morgenland*, XXI, 10.

<sup>36</sup> Wellhausen, *Reste*, p. 183.

<sup>37</sup> Nöldeke, *ZDMG*, XLI, 723.

<sup>38</sup> Goldziher, *Muham. Stud.*, p. 229.

<sup>39</sup> Cf. Koran, 2:196; Goldziher, *ibid.*, p. 228.

<sup>40</sup> Canaan, *JPOS*, VII, 49.

<sup>41</sup> *Fellaḥin*, p. 119; cf. Doughty, *Travels*, p. 241.

<sup>42</sup> *Yoreh De'ah*, 376:4, note; cf. *Menorat Ha-Ma'or*, 1:1:2:1.

<sup>43</sup> Grüneisen and Frey believe these passages refer to Sheol, but this is untenable; cf. Torge, p. 115, n. 1.

<sup>44</sup> Jeremias, *Babylonian Heaven and Hell*, p. 14; G. Margoliouth, *ERE*, I, 439; Torge, *op. cit.*, pp. 101, 123.

<sup>45</sup> Thompson, *Devils of Babylonia*, 1:xxvii, 39; Jastrow, *Religion Babyloniens*, I, 358, 371.

<sup>46</sup> Jastrow, *ibid.*

<sup>47</sup> M. Buttenwieser, *JAOS*, XXXIX-XL, 303; *idem*, *Book of Job*, p. 219.

<sup>48</sup> J. Morgenstern's translation, *HUCA*, VII, 190. His discussion of this entire problem is excellent, but is not summarized here and should be seen.

<sup>49</sup> For a full analysis of the Hebrew methods of execution and punishment see J. Poucher, *HDB*, p. 523a. Burning the body was a form of punishment. Delitzsch, *Bibel und Babel*, p. 69, sees cremation in Isa. 66:24, but this is quite improbable. I Sam. 31:12 and Amos 6:10 are obviously incorrect readings; besides the bones were buried. It is true that burning is commanded in Lev. 20:14; 21:9; Josh. 7:25, but the punishment is designed root out to the soul of the offender; cf. Well-

hausen, *Reste*, p. 177 for similar Arabian beliefs. Bone and ash-urns are mentioned in later Punic inscriptions, Lidzbarski, *Handbuch*, I, 139, 435.

<sup>50</sup> Verses 1–14 fuse two stories; cf. Buttenwieser, *JAO*S, XXXIX–XL, 311.

<sup>51</sup> I Kings 14:11; 16:3 f.; 21:22 ff.; II Kings 9:10, 34–37; Isa. 14:19; Jer. 7:33; 8:1 f.; 9:21; 14:16; 16:4 ff.; 22:18 f.; 25:33; Ezek. 29:5; 39:4; Ps. 79:2 f.; cf. I Macc. 7:17; II Macc. 13:7; 5:10; 9:15; Jubil. 23:23; I Enoch 98:13.

<sup>52</sup> Cf. KB, II, 193.

<sup>53</sup> B. Bamberger in *HUCA*, VI, 39; Büchler, *Studies in Sin and Atonement*, p. 140.

<sup>54</sup> Cf. Doughty, *Travels*, I, 77, 305, 395, 448; II, 26, 217.

<sup>55</sup> Canaan, *Morgenland*, XXI, 5.

<sup>56</sup> Jirku, *Dämonen und ihre Abwehr*, p. 16.

<sup>57</sup> Canaan, *ibid.*

<sup>58</sup> Frazer connects this with the widespread belief that souls can be extracted from the bodies during the lifetime of their owners at a critical period to protect them from harm; *FLOT*, II, 503.

<sup>59</sup> Lev. 19:28; 21:11; 22:4 — all H; Num. 5:2; 6:11; 9:10 — all P; Hag. 2:13.

<sup>60</sup> R. H. Charles, *EB*, p. 1341; J. A. Beest in *HJ*, XII, 837; Bertholet, *Vorstellung vom Zustand nach dem Tode*; Oesterley, *Immortality*; Quell, *Auffassung des Todes*; H. W. Robinson, in *CQ*, III, 138; J. Scheftelowitz in *AR*, XIX, 210; Schulz, *Sinn des Todes*; A. Bertholet in *AJT*, XX, 1; *idem* in *Andreas Festschrift*, p. 51; E. Sellin, in *NKZ*, XXX, 232.

<sup>61</sup> KB, II, 193.

<sup>62</sup> Torge, *op. cit.*, p. 130, n. 2.

<sup>63</sup> Zimmern in *KAT*, p. 459.

<sup>64</sup> Jeremias, *Babylonian Heaven and Hell*, p. 14; Zimmern, *KAT*, pp. 638, 640; Margoliouth, *ERE*, I, 438.

<sup>65</sup> A. Ungnad in *OLZ*, III, 10.

<sup>66</sup> Breasted, *Ancient Records*, II, 798a; III, 410.

<sup>67</sup> *Travels*, p. 240; cf. pp. 293, 354, 442, 450.

<sup>68</sup> *Kababish*, p. 168.

<sup>69</sup> Blackman, *Fellahin*, pp. 110, 118, 297.

<sup>70</sup> *Morgenland*, XXI, 9; *JPOS*, VI, 1; VII, 1.

<sup>71</sup> Goldziher, *Muham. Stud.*; for exactly the same story see *Pesikta d'Rab Kahana*, ed. Buber, p. 161a, which is also ascribed to the Arabs.

<sup>72</sup> Cf. Palgrave, *Narrative of Journey through Arabia*, I, 33; *Book of the Dead* (Egyptian), 125:13; Blackman, *Fellahin*, p. 110, etc.

<sup>73</sup> The custom of giving of the sacrifice to the dead to the poor is quite common; cf. Blackman, *Fellahin*, p. 118; Canaan, *Morgenland*, XXI, 9; Curtiss, *Prim. Sem. Rel.*, p. 139. The Seligmans report that the immediate family is not permitted to eat of the sacrifice to the dead, consisting of the flesh of camels belonging to the dead man, killed about a year after

his death; *Kababish*, p. 170. Even after departing, the dead thus practice the greatest Semitic virtue of hospitality; cf. Canaan, *JPOS*, VI, 68.

<sup>74</sup> S. R. Driver, *Deuteronomy*, in loc., does not decide whether this was the meaning, or whether the formula might refer to funeral repasts offered to the mourners by their friends. But it would not be natural in this latter sense. In Ps. 106:28 the sacrifice to the dead is mentioned as a gentile custom, but the passage also shows that the Hebrews ate the sacrifices to the dead. It is uncertain whether the sin consisted in eating the sacrifice or in making the sacrifice. But this point, as well as the obscurity of the other references, is not relevant to the question, "Did the Hebrews sacrifice to the dead?"— and that they did seems to be quite evident.

<sup>75</sup> Schwally, op. cit., p. 22; Grüneisen, p. 130.

<sup>76</sup> Eccl. 7:33; Tob. 4:17; Eccl. 30:18 f.; Ep. Jer. 31 f.; Wisd. 14:15; 19:3; Or. Sibyl., 8:382 f.; Jubil. 22:17.

<sup>77</sup> Cf. Blackman, op. cit., p. 300.

<sup>78</sup> Tosef. Shab. 7(8):18; 'Abodah Zarah 11a.

<sup>79</sup> Exod. 30:34–38; Yoma 38b, etc.

<sup>80</sup> Deut. 21:1–9; cf. Bertholet, *Deuteronomium*, ad loc.

<sup>81</sup> Religion, pp. 324, 334, 335.

<sup>82</sup> Frazer in *JRAI*, XV, 73; Kautzsch in *HDB*, V, 614; Grüneisen, op. cit., p. 95.

<sup>83</sup> This is evidence against the theory that all such customs had the purpose of making the living unrecognizable to the dead.

<sup>84</sup> Op. cit., p. 15.

<sup>85</sup> In *ERE*, I, 448.

<sup>86</sup> Ibid.

<sup>87</sup> *Blood Covenant*, p. 232.

<sup>88</sup> Wellhausen, *Reste*, p. 181; Goldziher, *Muham. Stud.*, I, 248; Jacob, *Altarab. Bedouinleben*, p. 139; WRS, *Religion*, passim; Blackman, *Fel-lahin*, p. 247.

<sup>89</sup> See also II Kings 21:18, 26; Ezek. 43:7; etc. For Assyrian parallels cf. *KB*, I, 33; Torge, op. cit., p. 113, n. 4.

<sup>90</sup> Goldziher, *Muham. Stud.*, p. 254.

<sup>91</sup> Doughty, *Travels*, p. 516.

<sup>92</sup> Sayce in *ZA*, II, 195, quoting Neubauer.

<sup>93</sup> Gesenius, *Grammar*, s. v.

<sup>94</sup> Undoubtedly the אֲלֹהִים of Exod. 21:6 were חֶרְפָּם. See Schwally in *ZATW*, 1891, pp. 181 ff. Cf. Gordon in *JBL*, LIV, 139 ff.

<sup>95</sup> Torge, op. cit., p. 111.

<sup>96</sup> Question of idols of Yahweh discussed by J. B. Frey in *Biblica*, XV, 265. And of course images of some kind were worshipped; cf. II Macc. 12:40; see for Elephantine bas-reliefs and statues, O. Rubensohn, *ZA*, XLVI, 30.

<sup>97</sup> *ERE*, I, 431.

<sup>98</sup> In *ERE*, VII, 138. Woolley, *Abraham*, p. 163, suggests that "the possession of the *terafim* conferred the privileges of primogeniture. Consequently Rachel stole her brother's birthright and made Jacob the legal heir to the wealth of Laban." This is rather far-fetched.

<sup>99</sup> Notice that they were called "strange gods" and they were buried under the sacred tree, the terebinth, Gen. 35:4; cf. the significant Josh. 24:23-27.

<sup>100</sup> Ezek. 21:26, II Kings 23:24, called "detestable things"; Zech. 10:2, etc.

<sup>101</sup> In *JTS*, XXX, 177.

<sup>102</sup> *JTS*, XXXIII, 33.

<sup>103</sup> *JRAS*, 1926, p. 695.

<sup>104</sup> For other theories see G. Hoffman in *ZAW*, XL, 75; Arnold, *Ephod and Ark*.

<sup>105</sup> CH, 282; Assyrian Law 44; Hittite I:16.

<sup>106</sup> Trumbull, *Threshold Covenant*; besides authorities quoted by Trumbull, see Canaan, *Morgenland*, XXI, 36; Nöldeke in *ERE*, I, 670; Jaussen, *Coutumes*, p. 339; Duhm, *Bösen Geister*; Canaan, *JPOS*, VI, 64; Westermarck, *Marriage*, II, 515, 531; *idem*, *Marriage Ceremonies in Morocco*, p. 220; Curtiss, *Prim. Sem. Rel.*, p. 54.

<sup>107</sup> Baldensperger, *PEFQ*, 1899, p. 144.

<sup>108</sup> Cf. Zeph. 1:9; Gen. 4:7.

<sup>109</sup> Canaan, *Morgenland*, XXI, 36.

<sup>110</sup> KAT, 437:1; 455; the South Arabs had *ba'ale* of the house, Baudissin, *Kyrios*, III, 42.

<sup>111</sup> *Beiträge zur Kenntnis der Babyl. Relig.*, p. 147.

<sup>112</sup> Doughty, *Travels*, p. 241.

<sup>113</sup> E. g., II Sam. 16:5; Judg. 6:11; I Sam. 1:1; 9:1, etc.

<sup>114</sup> Josh. 7:9; II Kings 14:27; Deut. 7:24; 9:14; 12:3; 29:19; Zeph. 1:4; Job 18:17; Isa. 14:22; etc. For full discussion see Pedersen, *Israel*, p. 245.

<sup>115</sup> There is certainly some connection between the word זכר, "male," and הזכיר, "to cause to be remembered." Only males could appear before Yahweh (Exod. 23:17, etc.) זכר וזכר, as only males carried on ancestor worship. Cf. Schwally, p. 28.

<sup>116</sup> Cf. Cook in *CAH*, III, 445. It is possible that יָד really means "hand"—this being the shape of the monument, but doubtful. Cf. I Sam. 15:12.

<sup>117</sup> KB, VI, 625. Torge suggests that Lev. 19:9; 23:22; Deut. 24:19 concerning leaving the corner of the field for the poor might refer to provision for the hungry spirits, *op. cit.*, p. 137.

<sup>118</sup> *Segen Jacobs*, (Doctoral thesis); cf. biography by Max Kohler of his father in *Studies in Honor of Kohler*. Kohler's arguments are themselves not well documented, but are largely guesswork; thus, for שְׁמַעַן, he suggests a heaven deity from same root as שְׁמִים; בָּעֵל וּבָולָן זְבוֹלָן from, respectively, שְׁמַעַן and בָּעֵל.

owner of heaven-dwelling. Most eponyms he connects with a supposed solar cult.

<sup>119</sup> The Kababish for instance say they had an ancestor called Kabsh; Seligman, *Kababish*, p. 112, n. 12.

<sup>120</sup> Margoliouth in *ERE*, I, 445; Cheyne, *Isaiah*, in loc.; R. Winterbotham in *Expositor*, II, 177 traces Luke 16:22 f. to this original idea. See also Gunkel, *Genesis*, p. 139.

<sup>121</sup> Cf. Meyer, *Israeliten und ihre Nachbarstämme*, p. 254.

<sup>122</sup> Meyer, *op. cit.*, p. 252; Pinches in Hommel, *Allisraelitische Ueberlieferung*, p. 5; Petrie, *Hyksos and Israelite Cities*, p. 68; Gressman in *ZAW*, 1910, p. 7.

<sup>123</sup> In *ZAW*, 1910, p. 1.

<sup>124</sup> Hogg in *EB*, p. 327, n. 3, cites literature; add Lods, *Israel*, p. 130; G. A. Barton in *JBL*, XV, 174.

<sup>125</sup> Isa. 65:11; Mordtmann, *ZDMG*, XXXI, 99; Nöldeke, *ZDMG*, LII, 474; Num. 13:10; *KAT*, p. 479; cf. Josh. 15:37; 2:17; 12:7; 13:5 — for Gad; for Dan see A. S. Peake in *HDB*, I, 548.

<sup>126</sup> See Hogg in *EB*, p. 2920.

<sup>127</sup> Hogg, *EB*, p. 4092, n. 10.

<sup>128</sup> Hommel, *Südarabische Chrestomathie*, p. 127.

<sup>129</sup> Lidzbarski, *Ephemeris*, I, 205.

<sup>130</sup> In *AJSL*, XLI, 253; see also Feigin in *JBL*, XXX, 131.

<sup>131</sup> For full analysis see Margoliouth, *ERE*, I, 457; cf. also *JE*, s. v. *Death*; Silverstone, *Great Beyond* (but tendentious). Says Margoliouth in summary: "The general result obtained from a study of the Jewish part of the subject is, owing to the diverse forms of development undergone by the thoughts and practices of the peoples in different periods and widely scattered countries, far from homogeneous. The Talmudic and Midrashic literature thus exhibits a larger amount of reminiscence of, or reversion to, ancient thought than the Apocryphal and Pseudepigraphical writings, though these latter stood nearer in point of time to earlier Hebraism; and the Liturgy, influenced partly by the Kabbalah, and partly — as is not unlikely — by Christian practices, shows some interesting instances of the revival of old ideas in a much modified form. The Kabbalah itself, as has been shown, has added the doctrine of metempsychosis to the original Jewish and Hebrew stock of ideas, and it has in connection with it furthermore introduced the theory of dual psychic personality in one body, thereby affecting the spirits of the departed in a manner previously unheard of in Judaism." *Ibid.*, p. 461.

<sup>132</sup> The dead are called אֹוב (sing. אֹוב), or יְדֻעָנִים (sing. יְדֻעָה). always appears with אֹוב: Lev. 19:31; 20:27; Deut. 18:11; II Chron. 33:6; I Sam. 28:3, 9; II Kings 21:6; 23:24; Isa. 8:19; 19:3; while אֹוב appears by itself in I Sam. 28:7 f.; I Chron. 10:13; Isa. 29:4. Thus אֹוב is the important word. אֹוב must be the invoked spirit of the dead for it can be said that an אֹוב is in someone (בָּהֶם, Lev. 20:27); the

witch is the possessor of an אוב (בעל אוב, I Sam. 28:7) or the invoker of an אוב — although the invoker is definitely called a אוב, שאל אוב, Deut. 18:11. In I Sam. 28:8, Saul asks the woman to invoke an אוב for him (קָסְמִי נָא לִ בְאֹב). The very fact that the plural of אוב shows perhaps that the meaning of "invoker" is secondary, though this meaning appears three times: II Kings 21:6; II Chron. 33:6; I Sam. 28:3, 9. The reverse might be the case with דָעַנִי. Analogous is the Aramaic אֶפְרַתָּא אֶפְרַתָּא (borrowed from the Babylonian; cf. Schwall in *ZAW*, 1891, p. 176) which first of all means a professional invoker, and then secondarily means the spirit of the dead. The latter is understood from Isa. 8:19; Deut. 18:11 where it is explained by מתחים; this is confirmed by Lev. 20:27 and Isa. 19:3; possibly by Lev. 19:31; 20:6. For its meaning as "invoker" see II Chron. 33:6; I Sam. 28:3, 9; II Kings 21:6; 23:24. אֲשָׁר can never mean "invoker" since it is used with אלילים, אֱבוֹתָה, and אֲדָמָה — יְדֻעָנִים — but it is some kind of a spirit, most probably the spirit of the dead. The spirit is sought for (לְדָרְשָׁה, Isa. 8:19; 19:3); it is turned to (לְפָנָה, Lev. 20:6; 19:31); it is consulted (לְאַשֵּׁשׁ, Deut. 18:11; with בְּ, I Chron. 10:13; בְּקָסְמָה, I Sam. 28:8). These words are also used for the Yahweh oracle.

Everyone was not expert in invoking the dead, but only capable persons, both men (Deut. 18:11; Lev. 20:27) and women (I Sam. 28:7; Lev. 20:27). The existence of women as invokers is certainly a sign of the decline of the ancient belief at the time of the monarchy. Although only the witch saw Samuel, and in his customary garments (I Sam. 28), the words of the dead can be heard by a third person (I Sam. 28:15). But their words are very weak. They chirp (חֲצַפְצָה; Isa. 8:19; 29:4; the word is doubtless connected with the Arabic *waswasa*, "to whisper, generally in an evil sense"; cf. J. A. Montgomery, *JQR*, NS, XXV, 266); whisper (מְתִימָה, Isa. 19:3), and mutter (מְהֻנִּים, Isa. 8:19).

The dead are not confined to their burial spot. Samuel was buried in Ramah but was invoked at Endor. Originally the grave must have been the usual place of divination, but later when the witch was degraded, she had to leave the place of the burial. Cf. Isa. 65:4.

In ancient Israel, invoking the dead must have been legitimate (cf. Isa. 8:19). Manasseh built an official oracle of the dead (עשָׂה אֹב וְיְדֻעָנִים, II Kings 21:6). Deut. was probably the first to interdict the invocation of the dead. Lev. 20:27 adds the punishment of stoning; 20:6 of *karet*, and continues, "And you must sanctify yourselves and be holy; I am the Lord your God." This is a new idea that the oracle of the dead is considered a strange cult, completely excluded by Judaism. Cf. Torge, *op. cit.*, p. 68.

<sup>133</sup> *Op. cit.*, p. 156.

<sup>134</sup> *KAT*, p. 641, n. 2.

<sup>135</sup> Margoliouth, *ERE*, I, 439.

<sup>136</sup> *Arabia Felix*, p. 87.

<sup>137</sup> Notice that Hagar was promised a son at the well *Lahai Ro'i*

(Gen. 16:11 ff.). The well is often the shrine of a buried saint. For many parallels see Frazer, *Fear of the Dead*, p. 108. The deity often aids in childbirth: e. g., Judg. 13; Gen. 25:21; 29:31 ff.; I Sam. 1:5 ff., and cf. Exod. 23:26. He also restrains birth (Gen. 16:2; 20:18) or grants it (4:25; 13:16; 15:3; 16:10; 29:31; Ruth 4:12; I Sam. 2:20 f.). Notice particularly that whenever names of localities are mentioned in cases of divine birth, they can usually be traced to a holy spot, probably a cultic and ancestor center. Cf. S. A. Cook, *JTS*, XXVIII, 368.

<sup>138</sup> *Kababish*, p. 154.

<sup>139</sup> *Fellahin*, p. 98; cf. Lane, *Manners of the Modern Egyptians*, I, 300.

<sup>140</sup> Curtiss, *Prim. Sem. Rel.*, p. 164; Blackman *op. cit.*, p. 255.

<sup>141</sup> *Travels in Syria and the Holy Land*, p. 490.

<sup>142</sup> Doughty, *Travels*, I, 136.

<sup>143</sup> *Ibid.*, I, 452; II, 100, 198.

<sup>144</sup> Zimmern in *KAT*, p. 460.

<sup>145</sup> R. C. Thompson in *ERE*, IV, 568.

<sup>146</sup> Canaan in *Morgenland*, XXI, 25.

<sup>147</sup> Gen. 28:11, 18 is usually mis-translated. Jacob did not place the stone under his head, but put his head on the stone when he viewed the theophany. Notice that Samuel judged Israel at Bethel, the place of Jacob's sacred pillar; at Gilgal, the place of the twelve stones (Josh. 4:8); at Mizpah, where stood the cairn surmounted by Laban's covenant. Samuel himself "took a stone and set it between Mizpah and Shen," and the very name of the stone, *Eben 'Ezer*, shows that it was originally worshipped before proceeding on warlike expeditions, though the *J* gloss, "saying, hitherto the Lord hath helped" is obscurantist (I Sam. 7:12). See also I Sam. 10 where in close juxtaposition are sacred grave (v. 2), sacred oak, and food presumably for sacrifice (v. 3), sacred hill (v. 5) to "God," not Yahweh. It was to the stone circle of Gilgal that Samuel directed Saul to go. It was at the cairn of Mizpah that Saul was chosen king; and after victory over the Ammonites, Saul went at once to Gilgal to renew the kingdom and "there they made Saul king before Yahweh at Gilgal" and there were sacrificed peace-offerings before Yahweh. The Arabs worshipped a stone; Wellhausen (*Reste*, p. 98) thinks because the blood of the sacrifice was poured over it. The *weli* is thought to inhabit the stone. Notice how often Yahweh is referred to as a stone or rock: Deut. 32:31; cf. Isa. 44:8; II Sam. 22:32; Ps. 18:32; I Sam. 2:2; Ps. 89:27. Cf. the connection of stones and manifestations of the dead; Doughty, *Travels*, I, 77, 305, 395, 448, 515, 516; II, 217. See also Gen. 26:25; 46:1; Judg. 6:21.

<sup>148</sup> Torge, *Seelenglaube*, p. 106.

<sup>149</sup> Curtiss, *Prim. Sem. Rel.*, p. 139. Albright, in *JAO*, LX, 283, questions the validity of the reports of such early investigators as Curtiss. The arguments presented in this book do not depend only upon the evidence of these early scholars.

<sup>150</sup> Curtiss, *ibid.*, p. 139.

<sup>151</sup> Gen. 12:6 f.; cf. Baudissin, *Studien zur Semitischen Religionsgeschichte*, II, 224. Cf. Gen. 18:1; 21:33; Judg. 6:11; 9:6. It is not stated that these sacred trees were on high places, but it is quite probably so. The use of mountains and high places for worship is not condemned for the early Hebrews: Isa. 2:2; Mic. 4:2; I Kings 18:20; Gen. 22:2; 31:54; Judg. 11:11; Exod. 3:1, 5; 4:27; 24:12 ff.; I Kings 19:8; II Sam. 15:30; 15:32; I Sam. 9:12, 13; I Kings 3:3 f. Efforts were made later to destroy these high places: Deut. 12:2; Hos. 4:12 f.; Jer. 2:20; Ezek. 20:28 f. That the *bamah* was an artificial building sometimes is indicated (I Kings 11:7; II Kings 17:9; 23:8, 15); sometimes it was under the shadow of trees (Hos. 4:13) or on bare heights (Jer. 3:2). We have the term *bamot ba'al* (Num. 22:41–23:4; Josh. 13:17; Mesha stone, 1:27). *Ba'alm* are mentioned in connection with the *bamot* (Jer. 19:5; 32:35). We have no details in respect to the rites used in connection with the worship of the *Ba'alm*. Hosea indicates that the Israelites considered them givers of their prosperity, whose favor they were to seek (2:7). The worship was of a joyful character. There were feasts, new moons and Sabbaths (Hos. 2:13). The passages which describe the worship on the *bamot* in a general way affirm that the people sacrificed on the high places (I Kings 22:44; II Kings 12:4; 14:4; cf. I Kings 3:2 ff.). Among the Fellahin, "sometimes a stone, or a heap of stones, or a tree or clump of trees, alone mark the last resting place of a departed sheikh, but when there is a domed tomb a tree or trees are usually associated with it. However a tomb is not usually built until the dead sheikh appears to some one and demands such a building." Blackman, *Fellahin*, p. 240; cf. Curtiss, *op. cit.*, p. 139; G. F. Moore in *EB* art., "High Place."

<sup>152</sup> Curtiss, *op. cit.*, p. 163.

<sup>153</sup> Curtiss, *op. cit.*, p. 161; cf. S. A. Cook in *JQR*, XIV, 424; see *PEFQ*, 1893, pp. 216, 219; 1873, p. 210; 1877, p. 91; 1897, p. 46.

<sup>154</sup> Conder, *Tent Work in Palestine*, p. 395.

"Together with the holy fear that was felt for the esteemed graves of heroes is also the idea that such graves are certain, invulnerable asylums, an idea that Islam also inherited. The poet Ḥammād sought shelter at the grave of the father of his enemy, and was not harmed. When the poet Al Kumet aroused the wrath of the Chalif so that he declared the poet an outlaw, the hunted man, seeking for protection, found it at the grave of a prince of the reigning family. The Chalif who at first was unap-peased had to weaken at the plea of his grandson who said, 'He has sought shelter at the grave of our father, O Prince of the Believers; do not shame us in the person of that man who has sought refuge this day; for the shaming of the dead is a reproach for the living.' Through the same means (in both cases a tent was spread over the grave in which the fugitive lived) another poet, 'Ukebil b. Shihab was saved. He fled to the grave of Marwan, whose son 'Abdalmalik was then Chalif. As a result

the Chalif had to provide him with a pardon. During the reign of Walid II, the poet 'Abdalmalik b. Ka'ka' fled to the same grave; but the Chalif did not respect the right of asylum, and this impiety was censured later by the Abbasid Anu-l-Shagb in the following words which show the holiness of the grave asylum, at least during those times:

The graves of the sons of Marwan were not protected; protection was not found there, they were not esteemed;

The grave of the Tamimites is more faithful than your graves — their people can rely more on its protection.

Indeed the people cry when they approach the grave: 'Shame on the grave, which Ibn Ka'ka' sought for protection.'

"It can be seen here what anger the disrespect of the grave asylum awoke. Really such cases as the above were exceptional, for the Arab considered the grave of his ancestors as an inviolable sanctuary.

"In the cultus, the attributes of these graves were generally carried over only to the graves of holy persons." Goldziher, *Muham. Stud.*, p. 236; cf. W. M. Patton in *ERE*, XI, 67.

Thomas, *Arabia Felix*, p. 84, says the Arab tribes are addicted to using shrines, many of pre-Islamic origin, as shrines for swearing. "Powers of vengeance in varying degree are attributed to these shrines (eleven altogether); oftentimes the accused will confess rather than face the consequences of false swearing. The Bin Juwahir shrine in Mahri country is so potent that murder will be tried by it." See *infra*, Chap. viii, "Blood Revenge."

<sup>155</sup> *FLOT*, III, 71.

<sup>156</sup> Baldensperger, *PEFQ*, 1901, p. 80. Gen. 6:1 ff. tells of the marriage of the *בָנִי אֱלֹהִים* to the daughters of men, who took them wives, whosoever they chose. This was anti-Yahwistic. Note that those who were born were "the mighty men that were of old, the men of renown." This suggests the divine king. See *infra*, Chap. vi.

<sup>157</sup> Torge, *Seelenglaube*, p. 71; Blackman, *Fellahiin*, p. 300.

<sup>158</sup> Reste, p. 185.

<sup>159</sup> Jacob, *op. cit.*, p. 143.

<sup>160</sup> Doughty, *Travels*, I, 449.

<sup>161</sup> *Morgenland*, LXIII, 9.

<sup>162</sup> *Op. cit.*, p. 121.

<sup>163</sup> *Manners of the Modern Egyptians*, I, 83.

<sup>164</sup> *Prim. Sem. Rel.*, p. 96; cf. Deut. 4:19; II Kings 23:11; Ezek. 8:16.

<sup>165</sup> *Narrative of Journey Through Arabia*, I, 33.

<sup>166</sup> *Op. cit.*, p. 63. E. G. H. Kraeling in *AJSL*, XLI, 175, writes:

"The cult of the God of the Dead in Palestine must have been a solar myth. Shamash, the sun-god, was originally not a god of vegetation and fertility — functions that were rather ascribed to the moon-god, Sin. To the Semites that came from or dwelt on the edge of the desert, the true personification of the sun was rather Nergal, the god of the destruc-

tive heat of midday. (Was the divine being that visited Abraham in Mamre 'in the heat of the day' and then sent fire and brimstone upon Sodom and Gomorrah originally Shamash-Nergal?) This baneful phase of Shamash was then transferred entirely to Nergal, the god of the nether-world, personified as a lion, for in the hottest days of the year, July and August, the sun in the Orient appears in the zodiacal sign Leo. But Shamash himself is also represented as sending death-dealing arrows. The chief city of Nergal was Kutha, the gate to the nether-world. It is interesting to note that Nachmanides in his 'Commentary to the Pentateuch' says that according to the old heathen writings a cult of the sun had existed at Kutha (*Baba Bathra* 91a). It is therefore quite likely that the worship of the sun-god at Hebron included the veneration of this divinity as God of the Dead—'Nergal, the Arab Sun-God in his more maleficent aspect' (Olmstead). From this angle, then, the character of Hebron as a sacred place of burial finds a satisfactory explanation.

"The discovery of the solar nature of the early cult of Hebron paves the way for a proper understanding of the anecdote in Judg. 16:1-3. There were naturally other phases in the cult of the sun-god beside the one we have dealt with so far. The 19th Psalm shows plainly that they were well known to the Hebrews and Canaanites . . . It has long been recognized that the Danite tribal hero, Samson, is a solar figure. The curious story in Judg. 16:1-3 of how Samson carried the gates of Gaza to the top of the mountain which is before Hebron (The localization of this story at the high place of Hebron is most important. The scene of Samson's activities was the Philistine border. His connection with Hebron can only be an arbitrary one.) may then also be understood as a distorted reminiscence of Shamash mythology. The ancient worshipper who came to the high place of Hebron saw there, perhaps, a model of the gates of the sun."

F. J. Hollis in Hooke's *Myth and Ritual*, p. 87, attempts to show the part exerted on Hebraic culture by the sun-cult, possibly derived from Egypt; e. g., Ben Oni (Gen. 35:18) is equated with On, the ancient name of the later Heliopolis. Archaeological discoveries seem to show the influence of the solar cult on the Canaanites. In Babylon too there seems to have been traces of a solar mythos.

Morgenstern has published some material dealing with the solar elements in the concept of Yahweh, but much he is reserving for a larger work. See *HUCA*, Vols. I, III, V, VI, VIII. Cf. Canaan in *JPOS*, XIV, 59 for the present Palestinian attitude of worship toward the heavenly bodies. Notice the connection with astral worship that necromancy, child sacrifice, and idolatry had in the account of Manasseh's evil reign, II Kings 21:3 ff.

<sup>167</sup> קדושים: בני אלהים: Gen. 6:4; cf. Job 1:6; 2:1; Ps. 29:1; 89:7. פָּנָה אֱלֹהִים: Ps. 89:6, 8; Job 15:15, etc. They are in Gen. 32:3; or they form a heavenly council (Job 1:6). See also Gen. 32:29

(cf. Hos. 12:4 f.); Job 5:1; etc. Ps. 16 seems to have been written against ancestor worship; Ps. 73 also has this tendency; also, Ps. 82 (v. 1, acc. to *LXX*, *Vul.*, and *Targum*, pseudo-Jonathan, is נָצַב בְּעֵדָה אֱלֹהִים <sup>אֶל</sup>). V. 6 refers to deities, not judges; cf. also Deut. 32:17; I Chron. 10:10; Ps. 106:37; Isa. 65:11, although these latter probably have nothing to do with ancestors. For good survey of Palestinian demonology see Canaan in *JPOS*, V, 164; *idem*, *JPOS*, VI, 1, 117; VII, 1. It is possible that the translation of Enoch recorded in Gen. 5:24 might belong to the same class of beliefs as the transference of Sitnapishtin, the Babylonian Noah, and his wife. Here in this case the deification was no doubt due to the heroic character of the persons concerned; but the element of ancestor worship was probably not absent. Margoliouth, *ERE*, I, 437. Tiglath Pileser expresses a hope that the great gods "have called the race of his priesthood to a dwelling place on the mount of the gods for ever." Jeremias, *Babylonian Conception of Heaven and Hell*, pp. 34, 38.

<sup>168</sup> Canaan, *Morgenland*, XXI, 21.

<sup>169</sup> Canaan, *JPOS*, XIV, 62.

<sup>170</sup> *Ibid.*, p. 78.

<sup>171</sup> In *HUCA*, V, 34; *idem* in *ZA*, XXVIII, 19.

<sup>172</sup> Margoliouth, *ERE*, III, 733.

<sup>173</sup> For references see Morgenstern, *HUCA*, V, 20, n. 26.

<sup>174</sup> *Principles of Sociology*, I, 411, etc. See also Allen, *Evolution of the Idea of God*.

## CHAPTER VI

DEITY, TOTEM,  
AND THE DIVINE KING

## I. THE DEITY AS A RELATIVE

We have already seen that each group — such as the people, the tribe, and the family — was itself a cultic unit, often with its own particular deities, conceived euhemeristically. Many of these gods were regarded as related to members of the group of which they were protectors. This was a common idea in the Semitic world.<sup>1</sup> The Moabites are called the sons and daughters of Chemosh (Num. 21:29) and a heathen woman is “the daughter of a strange god” (Mal. 2:11). Jeremiah accuses the Israelites of his time of saying to the wood, “Thou art my father,” and to the stone, “Thou hast brought us forth” (Jer. 2:27).<sup>2</sup>

The supernatural beings may even have sexual intercourse with humans. There are numerous parallels of such divine marriages as mentioned in Gen. 6:1 ff. The god Bel of Babylon even at the time of Herodotus was thought to have a human wife.<sup>3</sup> Ishtar addresses Gilgamesh as her husband,<sup>4</sup> and there are numerous Arabian traditions and superstitions that the deities or jinn marry women.<sup>5</sup>

The most natural relationship was the father-son kinship of the deity and the people, and occasionally even the deity and the individual.<sup>6</sup> Frequently Yahweh is called בָּנָי. Thus Deut. 32:6: “Is not He thy

father that hath gotten thee? (Cf. Gen. 4:1.) Hath He not made thee, and established thee?" and Hos. 11:1: "When Israel was a child, then I loved him, and out of Egypt I called My son."<sup>7</sup> In view of our discussion of ancestor worship, Deut. 14:1 is clear: "Ye are the children of Yahweh your God; ye shall not cut yourselves, nor make any baldness between your eyes for the dead." So also is Exod. 4:22b: "Thus saith Yahweh, 'Israel is My son, My first-born.' "<sup>8</sup>

It has been suggested by Robertson Smith<sup>9</sup> and others<sup>10</sup> that אב did not originally mean "progenitor" but "nourisher." Barton suggests that אב might even be applied to the eldest brother or head of the family, or possibly even to any brother. A comparative study of the word for "father" makes this last point untenable.<sup>11</sup> Cook suggests that in Hebrew and in Babylonian, the word "father" is sometimes followed by a word meaning "progenitor," which shows that originally "father" meant something other than progenitor, and that its use as a relationship term was comparatively late. It has also been stated that the word אב referring to the deity is metaphorical, since it is so often used thus in other connections.<sup>12</sup>

Following the logical implications of the Kenite hypothesis, but disregarding the Hebraic penchant for fictitious fatherhood, Barton says, "The fact that Moses introduced a new deity to the people which they accepted seems to point to a conception of God not as a procreating deity."<sup>13</sup>

The evidence seems to show that the deity was in fact thought of as a procreating father. A number of

records indicate that the Babylonians called the deity simply "father." In a hymn of Ur directed to the moon-god Sin, the god is often addressed as "Father, Nannar";<sup>14</sup> and in a prayer to Marduk-Enlil, the god is again called, "Father, Enlil."<sup>15</sup> Also the South Arabian god Wadd (**ን**) receives the epithet *ab*, *abum*.<sup>16</sup> The Babylonians often referred to Anu, Sin, or Enlil as the father of the gods, but as Baudissin points out,<sup>17</sup> here we are meeting a pantheon, similar to the Greek idea, found only among the Babylonians. But **בָּבָשׂ** is not used metaphorically when indiscriminately applied as an appellative for Anu, Sin and Marduk-Enlil. In the Hymn of Ur which calls Sin simply "Father, Nannar," and which also designates the same deity as "father, procreator of the gods and men" and "procreator of all," we can see that **בָּבָשׂ** is meant literally.<sup>18</sup> In Hebrew too the metaphor and the literal meaning often shade into each other.

Israel is first called the first-born son of Yahweh in the story of the Exodus from Egypt (Exod. 4:22, **ג**). The other nations are not called Yahweh's sons, and Yahweh is never termed the father of the individuals of mankind, and only exceptionally of Israel (cf. Jer. 31:20). The later authors understood this relationship as one of love between Yahweh and the people (Jer. 3:4, 19; 31:9; Isa. 63:16).

Just as (apart from the theocratic king, Ps. 2:7; 89:27 f.; II Sam. 7:14) it is not the individual Israelite but the whole people that is called "son (or sons) of Yahweh,"<sup>19</sup> so the fatherhood of Yahweh was understood as referring to the whole people.<sup>20</sup>

The deity as a creator is different from the deity as a procreator. As Baudissin says, "Creation involves a complete break with the kernel and foundation of the earlier religion; for the entire ancient Semitic religion, the mythology, and the sacred institutions, especially the sacrificial meal, were all based on the idea that man was a child of God in the real sense of the word, and was physically procreated by God, and so belonged to the family of God."<sup>21</sup>

Perhaps the idea of the fatherhood of God, which was later re-interpreted by the Prophets as the fatherhood of love, has its genesis in the idea of the eponymous hero, and is part of the fiction that the early history of Israel was a family history. Often Yahweh is called the "God of the fathers";<sup>22</sup> and where used later,<sup>23</sup> the expression intends to express the community of belief with the preceding generations.<sup>24</sup> As Robertson Smith puts it: "The idea that the race has a life of its own, of which individual lives are only parts, is expressed even more clearly by picturing the race as a tree, of which the ancestor is the root or stem and the descendants the branches. This figure is used by all the Semites, and is very common both in the Old Testament and in the Arabian poets."<sup>25</sup>

There are few studies so fascinating or so unproductive of result as the interpretation of Semitic proper names, particularly the theophorous names. The chief difficulty is the fact that the nouns בָּנָי and בָּנָה take in the construct state the termination which serves also as the suffix of the first person singular.

Moreover one must recall why a particular name has been chosen: probably for any one of the following reasons: (a) because of a fortuitous circumstance at the time of birth (cf. Gen. 35:18; 38:29; etc.),<sup>26</sup> (b) because someone else bore it, either an antecedent (cf. Luke 1:61)<sup>27</sup> or a great personality, among the Hebrews of post-Exilic times;<sup>28</sup> and (c) for the purpose of expressing a thought or wish which may possibly have a favorable reaction for the bearer.<sup>29</sup> It can be seen that although we have a very large list of ancient Semitic names,<sup>30</sup> many factors conspire to make their interpretation difficult. The difficulty is increased by the necessity of deciding whether the word of relationship is a theophorous element, which element of the name is the subject, and what is the correct reading of a corrupt text.<sup>31</sup>

It is of interest in tracing the divine kinship idea to note that kinship names tend to disappear. In the beginning of the Monarchy there are many such names, but soon there comes a marked decrease, and after the Exile there are very few. Among the Jews of Elephantine there are a number (twelve) but not many comparatively (over two hundred names); besides Elephantine is not truly representative. It is more difficult to arrive at any conclusions about the names before the Monarchy. If we accept *P*, then we see an increase of theophorous names the farther back we go. But against this supposition is the fact that *J* and *E* have very few such names. On the other hand, *J* and *E* provide few names of any kind.

It is important to remember in this connection, and

also in that of the mother-right theory, that names compounded with masculine kinship terms represent a universal Semitic peculiarity. Since feminine kinship names are found only in Akkadian — and even there are not very frequent, and must be regarded as an Akkadian characteristic — we can safely conclude that the relationship was always to a male. Moreover the names composed of masculine kinship terms belong to the most ancient circumstances. This indicates that these names had their genuine life in a very old period, and confirms, incidentally, the authenticity of the *P* names.

The kernel of the difficulty of course is the interpretation of the relationship expressed by the names. Before considering this it would be well to quote Noth:

A few general principles appear for the meaning of the names: (a) the use of kinship words as theophorous elements must go back to a very old set of religious ideas, and indeed to the time which extends back for all Semitic groups; (b) another observation carries us along another step. The disappearance of these names does not occur simultaneously for each of the separate Semitic peoples. In Babylonia there is a very small percentage of the names in the remotest period we know, while, e. g., in Israel, they are much later — for at the beginning of the Monarchy they are still numerous. Should not this have something to do with the fact that the Babylonians have had a settled cultured nation for a time longer than, e. g., Israel? It appears to me that because of (a) the great age of these names, (b) their subsequent universal disappearance, and (c) the fact that we find them

numerous among a people which has not become settled long before, and (d) the fact that they had almost died out at the same time among other long-settled peoples — we must come to the conclusion that the use of kinship words referring to the deity in personal names is rooted in the religious ideas of the nomadic life of the ancient Semites.<sup>32</sup>

Gray confirms the antiquity of the kinship names, but he thinks that the use of kinship terms probably begins later than that of animal names.<sup>33</sup>

To whom does the kinship refer? Says Gray:

If names refer to the human kinsman, there is no obvious reason why at a late date they fell wholly into disuse; whereas, on the other hand, if these names contained a tacit reference to Yahweh, they would probably tend to fall into disuse as the earlier idea of man's kinship with the gods faded away even from the popular thought before the higher prophetic conceptions of man's unlikeness to Yahweh.<sup>34</sup>

On the other hand, Baudissin contends that “it is hardly possible that every אב, subject or predicate, in a proper name, refers to God. But it is definite that where אב (or אבִי) is used as the subject of a predicate which is found otherwise in theophorous names or in other expressions usually relating to God, (e. g., מֶל, ‘exalted’) it refers only to God.”<sup>35</sup> Moreover אב is a theophorous element when it necessarily refers to the deity who is mentioned by name, and is predicatively designated as father; but whether אב refers to the deity when the name is predicate is a moot question, because then the proper name is assumed to be in a genitive relation. Thus one would have the impossible

designation of אָבִיהוּ as "father of Yah." There are some who think that אָבִיהוּ in אָבִיהוּ is a *status constructus*, others that it is a *status absolutus*, "whose father is Yah," and others take אָבִי as first person singular suffix, "my father is Yah."<sup>36</sup>

This is the crux of the problem, and there are numerous arguments for any one, and numerous objections to any other interpretation.<sup>37</sup> It is impossible in this work to discuss the theories at length, because this involves close consideration of long lists of names in various forms, and much comparative study. Even at the end we could promise no definite result, although the most plausible explanation seems to be that in such cases where אָבִי is a theophorous element, the *yod* is not a pronominal suffix, but a meaningless binding vowel. This in turn lends credence to the hypothesis that the deity was not conceived of as the father of the individual, but rather of the whole people.

All we can say with assurance is that the deity was conceived of as a father, and from our previous material we can assume that this was originally conceived as a physical relationship, whether to the individual or to the group in whose life the individual so largely shared.

Similarly we find it difficult to interpret the few names compounded with בֵן or בְּתֵה, particularly in the Old Testament. Unless we translate בְּנִיהוּ, בְּנִיה, usually taken to mean "Yah has built up" as "son of Yah," we find no case of a theophorous name of Yahweh combined with בֵן or בְּתֵה.<sup>38</sup>

There are no clear cases of compounds with פָּנָס, although many suggestions have been put forward to discover פָּנָס in various names.<sup>39</sup> Nielsen argues that originally Father, Mother, and Son comprised a pantheon of gods for the Semites.<sup>40</sup> But "mother" is not a universal Semitic theophorous element, as Nielsen assumes, but is only found in the Akkadian names, parallel with *aḥatu*, sister, which has no place in Nielsen's pantheon. Moreover, the Akkadian use is not the original, but the secondary development, after the parallel of *abu* and *aḥu* names.<sup>41</sup>

The use of פָּנָס in names has caused much conjecture. Nielsen, for instance, thinks that פָּנָס refers to another deity than that designated by בָּחָר, for he does not see how פָּנָס could refer to both father and son at the same time.<sup>42</sup> Thus he postulates an ancient Semitic conception of older and younger gods. While it is true that later among the Phoenicians there was such a conception,<sup>43</sup> there are no records of two gods as father and son. Besides, in the names, בָּחָר and פָּנָס are interchangeable for the same god.<sup>44</sup> A name like פָּנָסְרִי is very puzzling; certainly in Yahwism one would not think of the deity as a blood brother. Baudissin suggests that פָּנָס in such cases refers to Yahweh as a friend, as פָּנָס is used in Gen. 19:7; etc.<sup>45</sup> This seems to be the correct interpretation, for the פָּנָס suggests that the deity was considered a close friend, just as the deity is sometimes called *go'el*; that is, one who would act as a brother or other close relation.

This should explain such puzzling names as פָּנָסְבָּח. It is possible of course to cut the Gordian knot by

declaring that such names are not theophorous,<sup>46</sup> but there is no good reason why אֱחָד might not mean that the deity who has a fatherhood relation to us also has a brotherhood relation. This suggestion, of course, remains only a conjecture.

The word אֵבֶן is found a number of times in Semitic proper names; here too conjecture has been varied in translation and interpretation. Nielsen thinks the word means "father."<sup>47</sup> Gray and others think it means "paternal uncle."<sup>48</sup> Juynboll suggests that אֵבֶן means every male relative who belongs to the father's generation, and generally every relative of an older generation.<sup>49</sup> Of course אֵבֶן usually means "people" in Hebrew, but occasionally "members of the people" in the plural, אִבְנָי (so probably Lev. 19:16; Gen. 17:14, etc.). A number believe אֵבֶן in proper names is the name of a deity found among many Semitic groups. It may be true that אֵבֶן has all these meanings ascribed to it,<sup>50</sup> but we are most concerned in determining its meaning in the personal names, particularly in the Old Testament, where we must agree with Baudissin that when "the deity is referred to as an uncle, paternal or maternal; father-in-law, it shows that the worshipper wished to refer to the deity as a close kin, without any exact distinction, like 'cousin.'"<sup>51</sup>

Whatever the original meaning of אֵבֶן was, and it probably was not "father-in-law,"<sup>52</sup> here too we see in the name but the idea of some relationship, not closely defined, in which the deity acted as a protector.<sup>53</sup>

## II. THE TOTEM

Totemism as a phenomenon explaining various problems of early society was first discussed by J. F. McLennan.<sup>54</sup> Robertson Smith applied some of McLennan's findings to Semitic society;<sup>55</sup> and since, the theory has been defended by a number of competent scholars, including Stade, G. B. Gray and S. A. Cook. While it is true that a kinship between the clan and its divine protector does not necessarily presuppose totemism, nevertheless this is an essential element in the totemic form of organization. It is a matter of some importance to determine if the early Hebrew society was totemic.

The definition of totemism has been disputed, and, on the whole, little is known of its manifestations even in those societies in which it is an actuality.<sup>56</sup> The most characteristic features of a totemic society are however, first, a belief in the relationship between a human group and an animal or vegetable species; second, the co-existence in the same tribe of several groups having each special relations with a different totem-species. To this, Robertson Smith adds a further condition, that in totemism, sacredness is ascribed to the animal or plant; i. e., it cannot be eaten.<sup>57</sup>

Gray, while he admits that the totem explanation of names "depends on the extent to which the totem theory can be independently established,"<sup>58</sup> yet maintains that it does give a satisfactory explanation

to difficult names like אַחֲרָה and אֶבְרָה. Nevertheless Gray confesses that under a totem hypothesis one would expect fewer unpleasant names as the old customs perish, but this is not altogether true.<sup>59</sup>

The argument that relics of totemism may be discovered in proper names has been discredited. Even Nöldeke who agrees with Robertson Smith's contention of totemism in the Old Testament, gives many other reasons why the Semites named their children after fauna and flora: (1) to strengthen a weak child;<sup>60</sup> (2) to frighten the enemy;<sup>61</sup> (3) because of the child's unbeautiful appearance; (4) because of a casual happening at birth;<sup>62</sup> (5) simply naming the child with an animal or plant name without thought of the meaning; (6) as a nickname; (7) figure of speech for a particular characteristic, like "sheep-headed." When the names are pluralized for families, Nöldeke says it must be assumed that originally they were in the singular.<sup>63</sup>

Cook also agrees that the animal names are not conclusive proof of totemism.<sup>64</sup> Jacobs has ingeniously shown that the proportion of animal names in the Old Testament is less than that found in England or Western Europe today.<sup>65</sup> Baudissin points out that "the animal names of towns might have originally been tribal names, but we have no evidence to assume the same for proper names."<sup>66</sup>

More conclusive are extra-linguistic considerations. It is true that the Semites attributed to certain kinds of animals a supernatural character. Balaam's ass saw the angel long before his master, who was a

seer.<sup>67</sup> The early Arabs believed that the ass brays and the cock crows when they see spirits invisible to man.<sup>68</sup> The serpent was regarded as the most cunning of the animals, and recognized before man the magical properties of the tree of knowledge; the word serpent itself (**שְׁנִית**) is related to the verb meaning "to divine" (**שָׁנֵת**). The golden calf, the brazen serpent, the Dragon's Well (Neh. 2:13), the Reptile's Stone (I Kings 1:9) are all animal figures. The animals which the Prophets describe as roaming the ruins of Nineveh or Babylon, side by side with the demons, seem to have been symbols of terror (Isa. 13:21 f.; 34:13 ff.; Jer. 50:39; 51:37). They were the ostrich, said by the Bedouins to be ridden by jinn; the owl, sometimes held sacred by Palestinian peasants,<sup>69</sup> and other animals, only partly identified. The animal was believed to have a soul (Lev. 24:18; Prov. 12:10); the blood of a slain animal must be covered like that of a man (Lev. 17:13). Animals are treated as responsible by law (Gen. 9:5; Exod. 21:28-32; Lev. 20:15 f.); they are individuals with whom treaties may be made (Gen. 9:10; Hos. 2:20; Job 5:23).

Again, certain animals are forbidden as food (Gen. 7:2, 3, 8; 8:20; Deut. 14:3-20; Lev. 11); similar restrictions are observed by the Arabs.

Other arguments have also been put forward, as that the prohibition of tattoo marks (Lev. 19:28, etc.) refers to a totem crest, or that the tribes of Israel when on the march had standards, presumably totem emblems (Num. 1:52; 2:2 ff.), but these evidences are hardly convincing.

Frazer has invalidated Robertson Smith's theory that the sanctity of certain animals proves totemism, by pointing out that totemism is more an economic system than a religious system; and far from the animal's being revered, it is actually killed and eaten by totemic groups.<sup>70</sup>

Nielsen explains the sanctity of animals as follows:

The animal or artificially conceived animal is nothing more than an attribute of the deity. For the animal cult in Babylon the connection of the deity and the animal proves nothing. There is nothing to show that the animal represents an original form of the deity. In the several thousand years of development of the god-concepts, the gods were placed in some relationship to animals, and Robertson Smith was thus misled in believing that the gods were originally thought of as animals. A definite animal cult as we know it, e. g., in the neighbouring Egypt, is in no way evinced among the Semites. The symbolism of animals was no original element, and played no material role in the development of the god-concepts.<sup>71</sup>

Baudissin has shown that "it is false to suppose that the animal was conceived as the father of the tribe, because the name of the tribe was usually formed from proper names."<sup>72</sup> Even if a few examples might be adduced that an animal name appearing in the name of a tribe might originally have itself designated a tribe, this is not proof of totemism, i. e., that the members of the tribe claimed relationship with the animal or that they claimed descent from the animal as their father.

It is true that the modern Palestinians are persuaded that the spirits of the dead often appear in

animals,<sup>73</sup> but it must be noted that the spirit had first lived as a mortal. Moreover, the animals chosen for habitation by the spirits include both the ritually clean and unclean.

Whatever the explanation of the clean and unclean animals might be — and there have been many theories —<sup>74</sup> the facts that (a) the dietary laws vary among many groups,<sup>75</sup> (b) that animals which should be forbidden according to the totem plan are not,<sup>76</sup> (c) that more of the animals mentioned in the Old Testament are clean than unclean,<sup>77</sup> (d) that the totem system of names is not observed at all,<sup>78</sup> cannot be brushed aside by stating that only few survivals would be expected. Indeed there is no actual evidence at all among the Semites of beliefs or social organization characteristic of totemistic peoples.

The whole totemistic hypothesis has itself been subjected to criticism. While of course any number of investigators have developed a complete theory of totemism, as Robertson Smith, Frazer, Jevons, and Land, others sharply disagree with both the interpretation of the evidence, as well as the validity of much of the material presented in evidence. Reuterskiöld, for instance, after reviewing the whole field, says:

We have given a number of examples of phenomena in different parts of the world that might be traces of totemism, and we have pointed out as well the very contradictory ways in which the various researchers have interpreted these traces. We have thereby observed how unsure and inexact all the evidences are, once we leave the Amerinds. The reasons for this lie

not only in the nature of the material, but especially in the methodological uncertainty in this field. This is the reason that everywhere one hunts for remnants of totems, he is sure to find them. Whether animals are worshipped, or sacrificed, whether animals are considered holy or unclean — this is accepted as a remnant of totemism, even though these phenomena in primitive religions belong to a category that is far removed from the borders of totemism. On the other hand, matriarchy or exogamy are used to serve as proofs of totemism, although none has succeeded in demonstrating the correlation between these phenomena and totemism.<sup>79</sup>

### III. THE DIVINE KING

It is easily understandable that the king should be regarded as more than an ordinary mortal, and therefore related to the deity; this is particularly true of the Oriental monarch. The king is moreover in greater or less degree the symbol of the group.

The Eastern King represents much more than a mere arbitrary tyrant. He stands for a system of rule of which he is the incarnation, incorporating into his own body, by means of certain symbolic acts, the persons of those who share his rule. They are regarded as being parts of his body, *membra corporis regis*, and in their district or sphere of activity, they are the King himself — not servants of the King but “friends” or *members* of the King, just as the eye is the *man* in the function of sight, and the ear in the realm of hearing.<sup>80</sup>

The Egyptian kings were all *de jure* deified, as it were, regardless of merit — but particular kings

attained special eminence. This latter group are the genuine hero-gods, who were always treated by the Egyptians as if they had been real gods. It is however of interest to note that the ancient kings of Egypt were probably not honored with divine worship in their lifetime — at least there is no evidence of such worship. The first of the Egyptian kings to have divine honor paid to them while still alive and in conjunction with their ancestors were the Hellenistic kings of the Ptolemaic period.<sup>81</sup> Understanding that the ancestor was worshipped as the procreative principle of the group, we can well understand why the king should have received similar homage. In this connection Unwin remarks:

I doubt if we can divide "cult" into "ancestor cult" and "hero cult," if we mean to distinguish by these terms the attention paid to an individual who was a blood relation from that paid to one who had been a notable citizen. If the necessary evidence were forthcoming, I think we should find that among uncivilized peoples "cult" was always "hero cult," never "ancestor cult."<sup>82</sup>

Among the Hittites too the death of the king was indicated by the formula, "He has become God."<sup>83</sup> There are also indications that some of the Canaanite kings claimed the right to receive divine honors after death, and to live among the gods.<sup>84</sup> There seems to be no clear evidence that the king was worshipped in his lifetime, although he was distinctly regarded as divine, kin to the deity or deities. Many records attest to this, but we must remember to discount much of the hyperbolic and adulatory discourse

addressed to the king, as well as the king's attempt to claim divine kinship for himself, which claim may not have been accepted by the people. In the first category are, for instance, such terms as that found in a letter to Ashiratwashur, king of Taanach: "May the lord of gods protect thy life, for thou art a brother . . ."<sup>85</sup> In the second category are the many Sumerian psalms in which the king calls himself "child" or "son of his god."<sup>86</sup> The deity has "called" and "enthroned" him — through the rule of fate he was selected to the kingship — so that rebellion against the king corresponds to rebellion against the deity, when the premise has been accepted. Hammurabi for instance says in a text that Sin has clothed him with the royal insignia.<sup>87</sup> The classic example of the choice of the king by the gods is found in the fragments of the legend of the hero Etana. It is there stated that prepared for the ideal king, whom the gods are seeking among men, there is before Anu in heaven the royal insignia: the royal sash, the crown, sceptre of lapis lazuli, and the staff. It goes on to say that Ishtar and Enlil look about in heaven for "a shepherd" and on earth "for a king." It is further said that the son of Etana as "the shepherd of men" receives the royal insignia from the deity himself.<sup>88</sup>

Once Ishtar addresses Gilgamesh as her husband, but, as Barton remarks, "It must be observed that when this epic was written down Gilgamesh had been deified, but originally he was simply a human king."<sup>89</sup> Frequently the king traces his lineage from a deity, or claims supernatural birth.<sup>90</sup> So Gudea:

I have no mother, you (the goddess)  
 are my mother; I have no father,  
 you are my father . . .  
 you bore me in the holy place.<sup>91</sup>

Similarly, Singashid, a king of Erekh, calls himself "son of the goddess Ninsun."<sup>92</sup> Hammurabi terms himself in the introduction to the Code, "the sprout of royalty which Sin created," and in the sense of pre-destination, "the perpetual sprout of royalty." There is a difference of opinion as to whether the Babylonian kings were honored as deities during their lifetime,<sup>93</sup> but there is much evidence of the post-funeral worship.<sup>94</sup>

Even in the Assyrian period is found the idea of the divine birth of the king. In the legend of the call of Asarhaddon to the throne, who is called in another place "the child of the goddess Ninlil" we read:

I was born among unknown mountains;  
 I was not aware of your (Ishtar's) rule, I did not pray  
 correctly,  
 The people of Assur did not know of your divinity;  
 did not entreat you;  
 Then did you, Ishtar, fearful ruler among the gods,  
 with the glance  
 Of your eyes choose me, demanding my rule.  
 You brought me forth out of the mountains; called  
 me as ruler of men;  
 Have provided me with a just sceptre until the last  
 day of the world.  
 You, O Ishtar, have made my name glorious;  
 You selected me to spare and save the righteous.<sup>95</sup>

Only a remnant of the divine king idea is found in the Old Testament, as would be expected in the case

of this anti-Yahwistic tendency. By the time of the Monarchy, Yahwism was already dominant. Before the Monarchy there appears to have been a hero-cult, for in a number of instances a cult seems to be associated with those who were not ancestors. Thus libations were poured on Deborah's funeral pillar; Miriam was buried in the holy place of Kadesh. The same may be said of Joshua, Gideon, Jephthah, Samson, certainly of Samuel — the place of whose burial is mentioned — and of Elisha whose bones worked miracles in an anti-Yahwistic period.

There appears to have been an intimate connection between the divine king and the conception of the deity as a king. Thus in the Near East and Egypt the kingly ideal corresponded with the divine ideal. The gods were considered god-kings, who were enthroned in the highest heaven and considered the rulers of the world. Their divine worth corresponded to the kingly worth.

As the god-kings, Anu was the god of the highest heaven; Enlil was the ruler of the zodiac, "the heavenly earth"; Sin, the ruler of the seasons. Sin, the moon-god, was "master of the crown," "king of the gods," "master, ruler among the gods, who alone is great in heaven," "who in heaven and upon earth has no rival among the gods his brethren." When Babylon became a metropolis, the king-godship was ascribed to Marduk, the city-king of Babylon, "the king of heaven and earth," "king of gods," "master of masters," "king of kings."<sup>96</sup>

Apart from the Babylonians who used the word

*sharru* for king, *melech* is the common Semitic title for the deity, and Baudissin declares that it has its origin from the time when there was no monarchy, and must have had the meaning of "leader," or "chieftain,"<sup>97</sup> but there is no practical difference between the hero and the king from the point of view of veneration. Buber thinks that among the West Semites, *Malk* is everywhere the "Urgott" of the tribe, a conception which "has become fused with an ancestor deity, an 'Urvater,' which in turn has been fused with a *Baal*; but the *Malk* is not by nature an ancestor."<sup>98</sup>

Eissfeldt is of the opinion that it is probable that Yahweh was always called "king," but he does not think that the proper names with *melech* as an element are theophorous before the time of Jeremiah (38:6).<sup>99</sup> But the argument does not appear valid. Even if we reject Melchizedek of Gen. 14:18, there is certainly Abimelech of Judg. 8:31, etc. Now it is no accident that the first king of "Israel" (8:22, but probably only of the tribes of Manasseh, Naphtali and Asher, 7:23) should have named his son Abimelech, with the first element referring to the deity.<sup>100</sup> Certainly Ahimelech (I Sam. 21:2; 22:11) can only refer to the deity as king (parallel, Elimelech, Ruth 1:2), as also Nathanmelech (II Kings 23:11).<sup>101</sup>

As C. R. North points out, the accounts of I Sam. 8; 10:17-24 and Judg. 8:22 f. which are hostile to the kingship must embody the sentiments of a later, disillusioned age; the first objections to the monarchy seem to date from the eighth century; and not until

the destruction of the kingdom is a new note of future restoration to be found.<sup>102</sup>

If then we can believe that a conception of the deity as king is similar to the idea of a divine king, it is possible to infer that such a conception of divine kingship was ancient. Besides, there are a number of confirmatory and direct proofs of divine kingship.

Thus, Saul and David were elected by Yahweh.<sup>103</sup> The king is the consecrated one (*nazir*); it is sacrilege to lift a hand against him (I Sam. 24:7, 11; 26:9-11, 23; II Sam. 1:14-16; 4:9-12). The king was always anointed.<sup>104</sup>

It is as much a breach of the commandment to curse the king as to curse Yahweh himself (Exod. 22:27). The king was believed to have the power of controlling the rain and the sun, since it was he who was supposed to cause famine (II Kings 6:26 f.; Isa. 8:21; Ps. 72:6, 16). The king was addressed as "the breath of our nostrils" (Lam. 4:20), "the lamp of Israel" (II Sam. 21:17); his wisdom was compared with that of the angel of God (II Sam. 14:17). He might even claim the title "son of God" (II Sam. 7:14), actually begotten by Yahweh (Ps. 2:7), and specifically called the first-born son among the other kings begotten by the deity (Ps. 89:27 f.).<sup>105</sup> It is possible that some kings even accepted the title of "gods" (Ps. 82:1, 6). However Yahwism triumphed over this emperor worship as can be seen from Ezek. 28; Isa. 14:12-15; Ps. 82; Dan. 4:30 ff.; 6.<sup>106</sup>

## NOTES TO CHAPTER VI

<sup>1</sup> A deity of the name of פָּרַע appears in a S. Arabian inscription; *ZDMG*, XXXI, 86; *CIS*, IV, 8. Besides פָּרַע is connected with a tribe, and therefore possibly is a tribal god. It is also possible that the Edomite tribal name פְּאֵי (Gen. 36:18) is identical with the Arabian Yagut; as also פָּאֵי (Gen. 10:23) with Aud; cf. WRS, *Religion*, p. 43 n. Esau and Edom are also probably divine names; cf. SAC in WRS, *Religion*, p. 508. Many Arab tribes bear the names of deities or of celestial bodies worshipped as gods; for instance, the *Banu Hilal*, sons of the new moon; the *Banu Badr*, the sons of the full moon; the *Banu Shams*, the sons of the sun; cf. WRS, *Kinship*, p. 241. Enoch is taken by Baudissin (*Kyrios*, III, 334) as a tribal deity, and he says that the 365 years of his life characterize Enoch as a Sun- or Year-God. We have already discussed the Hebrew tribal eponyms, but Baudissin thinks that the reason a god was placed first in the genealogical tables is only because of the necessity of ascribing an origin to life (*Kyrios*, III, 333). But, as WRS rightly says, euhemerism can only rise "where the old gods are regarded as akin to men, and where, therefore, the deification of human benefactors does not involve any such patent absurdity as in our way of thinking" (*Religion*; p. 43). Certainly Baudissin admits that the deity was conceived as a personality who stood in a personal relationship to certain human communities, originally the tribe (*Kyrios*, III, 309, see also pp. 291 f.).

In the Babylonian account of the Deluge (line 116), Ishtar says, "I said: 'I shall bring forth my people, and like fishes shall they fill the sea.'" The goddess here claims the human race whom the flood destroyed as her offspring. Virgil, *Aeneid*, I, 729: "Belus et omnes a Belo" gives evidence that the Tyrians claimed descent from Bel.

<sup>2</sup> We have already mentioned the belief that the deity or ancestor inhabits wood or stone.

<sup>3</sup> Herod, I, 181; cf. WRS, *Religion*, p. 50.

<sup>4</sup> But cf. 181.

<sup>5</sup> See Doughty, *Travels*, II, 191; Curtiss, *op. cit.*, p. 115; WRS, *Religion*, p. 50; SAC, *ibid.*, p. 513.

The husband and wife relationship in Hosea, Jeremiah (2; 3:13; 5:7; 13:26 f., etc.), Ezekiel (Chap. 16), Deutero-Isaiah (40:2; 49:14 ff.; 52:1 ff.; 66:8 f., etc.) has been taken as a form of the Canaanite fertility cult. See WRS, *Religion*, p. 96; Marti, *Dodekapropheten*, p. 24, etc. But the Canaanite god was not especially a fertility god to the land. H. Gressmann in *BZAW*, XXXIII, 191 shows that the Baal of the Amarna letters appears as a thunder-god and sun-god, but he thinks that this has resulted from the Egyptian influence which has used the hierachal style and designated a vegetation god as a heavenly god (*ibid.*, p. 214). These different interpretations of the character of the Baal show that the con-

ception of a marriage between the Baal with the land is not proved for the Canaanites. The astral character of Baal in its origin and the telluric character of the Astarte must first be proved (cf. F. Küchler in *ZAW*, 1908, p. 84, n. 1).

Moreover, the identity of the religious prostitution and fertility cults as the model of the Yahweh marriage idea cannot be a good analogy, for the idea at the back of religious prostitution is most obscure. Besides, in the case of Israel, it is not the marriage of Yahweh with the land but of Yahweh with the people, even when the word *בָּתָן* is used (cf. Lev. 19:29; Jer. 22:29). This can be seen by comparing Hos. 2:5 with vv. 11 and 13 f. J. Ziegler in *AA*, II, 73 thinks the marriage is a legal instead of a sexual figure; that is, it is rather a covenant idea. But the covenant idea may not have been known until the 7th century (so Wellhausen, *Prolegomena*, p. 416; Stade; Duhm).

Probably this whole figure is a result of the father-son relationship, which was a central motive in Hebraic thinking; cf. Jer. 3:19, etc.

<sup>6</sup> For general discussion see Baudissin, *Kyrios*, III, *passim*; P. Bauer in *TSK*, 1899, p. 483; M. J. Lagrange in *RB*, 1908, p. 481; R. Gyllenberg in *SO*, 1925, p. 51; Duhm, *Verkehr Gottes mit den Menschen*; Hempel in *BWAT*, III, 2.

<sup>7</sup> This has been amended from *לְבָנִי* to *לוֹ*. But Exod. 4:22 bears out the text. *LXX* has *לְבָנֵינוּ*.

<sup>8</sup> Other references: God as creator-father: Jer. 31:9; Isa. 64:7; Ps. 103:13 f.; as guide and leader: Isa. 63:15 f.; 64:7; Ps. 89:27; Jer. 3:4, 19; God as father requires honor: Mal. 1:6; father of all peoples: Mal. 2:10; father of king: II Sam. 7:14; Ps. 2, etc.; father in prayer: Isa. 63:15 f.; Ps. 89:27; Isa. 64:7; Jer. 3:4. See also references given in *BDB*, p. 3.

<sup>9</sup> *Kinship*, p. 141.

<sup>10</sup> E. g., Barton in *JBL*, XV, 181; Cook, *Laws of Moses*, p. 12.

<sup>11</sup> Cf. Seligman, *Studies in Sem. Kinship*.

<sup>12</sup> Lagrange, *Religions Sémitiques*, p. 110; cf. Judg. 17:10; 18:19; II Kings 2:12; 6:21; 13:14; Gen. 45:8; Isa. 22:21; Job 29:16; Ps. 68:6.

<sup>13</sup> *Sem. and Ham. Origins*, p. 331.

<sup>14</sup> *KB*, VI, 2, p. 90:4.

<sup>15</sup> *KB*, 6:2, p. 82:17; p. 84:33, 49, 55; p. 86:4; 88:21.

<sup>16</sup> *KB*, 6:2, p. 82:17; p. 84:33, 49, 55; p. 86:4; 88:21.

<sup>17</sup> *Kyrios*, p. 323.

<sup>18</sup> Cf. *KB*, 6:2; p. 92:33, 45 f.

<sup>19</sup> Exod. 4:22 f.; Jer. 31:9, 20; Hos. 2:1; Isa. 1:2, 4; 30:1, 9; Deut. 14:1; 32:5; Isa. 63:8 — or daughters, Deut. 32:19; Isa. 43:6.

<sup>20</sup> Barton in *Sem. and Ham. Origins*, p. 139, suggests that water was thought by the Semites to be the spermatazoa of the gods, and that in Babylonia, for instance, the rise of the water in the two great rivers was thought to be due to the sexual union between a god and an earth goddess. In Arabia, Athtar, the self-waterer, was a masculine deity. Also

in this connection are Mal. 2:15; Gen. 15:3; Ruth 4:12 where the seed is given by the deity — but these passages are not to be taken literally. Curtiss, *op. cit.*, p. 114, says that "there seems to be pretty clear indications that ignorant Moslems and Christians conceive of God as possessed of a complete male organism, and that this is not merely popular language." Mary, dressed winnowing forks, and women corresponding to the Hebrew *kedeshot* are literally supposed to be brides of God. But all this is rather exceptional; the fatherhood was not generally so pictured.

<sup>21</sup> *Kyrios*, p. 217. אָרֶב seems to mean "to build"; cf. *BDB*, p. 135; the deity, usually pictured as a mighty hero, forms men from the earth or clay (*tītu*, Babylonian), as a potter fashions a clay figure. For a full consideration of the Semitic mythos of creation see King, *Seven Tablets of Creation*; *idem*, *Babylonian Religion and Mythology*, p. 53; Gunkel and Zimmern, *Schöpfung und Chaos*; *KB*, VI, 1, pp. 2-43; *KAT*, p. 488; Zimmern, *Urgeschichte*, p. 5; Jeremias, *AT im Lichte des Alten Orients*, II, 6; III, 34; IV, 57; Frazer, *FLOT*, I, 3; J. Morgenstern in *ZA*, XXIX, 284.

<sup>22</sup> Gen. 9:26; 26:24; 31:5, 29, 42, 53; 43:23; 46:3; 50:17; Exod. 3:6, 15, 16; 50:17; 43:23.

<sup>23</sup> Deut. 1:11, 21, etc.; I Chron. 5:25; 12:18, etc.; Judg. 2:12; II Kings 21:22; Exod. 3:13; 4:5; Josh. 18:3; Dan. 11:37.

<sup>24</sup> Often, in modern Arab thought, procreative power is ascribed to the spirits of the dead. Doughty says that in Medina there is a family of three generations which traces its descent to a female jinni (*Travels*, II, 191). The Syrians often affirm that the jinn may have sexual intercourse with men and women (Baldensperger, *PEF*, 1899, p. 148). Curtiss relates that "it is said that a woman at Nebk took a bath of ceremonial purification, because she dreamed she had received a visit from her deceased husband. There is a man in Nebk who is currently believed to be the offspring of such a union, and no reproach was ever cast upon his mother . . . When a man has been executed for murder at the Jaffa gate in Jerusalem some barren women rushed up to the corpse." (*Prim. Sem. Rel.*, p. 115.) There are clans and families who claim to have sprung from one original ancestor who is also a patron saint or *weli*. Says Curtiss, "They make their vows to patron saints, and these are mostly progenitors of tribes." (*Ibid.*, p. 123.) We have previously noted that the *weli* is supposed to cause birth. Curtiss states: "To sum up, the idea that a *weli* may be a physical father is one of which there is more than one example, and the notion is currently believed, as we have seen, that disembodied spirits may beget children from mortal women, either those who have been their wives, or from others; while it is commonly believed that a jinni may have an earthly wife, or that a man may have a spirit wife who will not tolerate his looking at any women. These phenomena seem to point to a time, already considered, when there was no distinction between God, the *weli*, the departed spirit, and the jinni. Hence the being

to whom the Semite did homage was endowed with physical fatherhood. If now, we regard the departed spirit, who is held in love and reverence, hence enjoys the title *weli*, as the only deity who has any practical bearing on the life of the modern Semite, we may claim that the idea of the physical fatherhood of deity still exists." (*Ibid.*, p. 120, cf. p. 243.)

<sup>25</sup> *Religion*, p. 41.

<sup>26</sup> Other non-religious types of names are those which indicate first-born, substitution, child names, relationship names, physical peculiarities, laudations, animal names, plant names, trade names, names of objects, names expressing time, direction, abstractions, etc. See T. Nöldeke in *EB*, p. 3295. For good bibliography of literature on names up to time of its publication, see *EB*, art. by T. K. Cheyne, p. 3330.

<sup>27</sup> In the OT there are no names after the father or grandfather, except where both the son and the grandson of Saul bear the name of Mephibosheth (originally, perhaps, Meribaal) (II Sam. 21:8; 4:4; 9:6 ff., etc.). However, we do find the same form of names. Thus Ahitub names two of his sons, Ahiyah and Ahimelech (I Sam. 14:3; 22:9) unless Ahiyah and Ahimelech are the same person; Ahinoam is the daughter of Ahimaaz (I Sam. 14:50); the kings of Judah receive names compounded with *yah*. (For further Semitic parallels see Gray, *Heb. Proper Names*, p. 9). The naming after an antecedent is first found in Elephantine, and usually the child bears the name of the paternal grandfather; see Gray in *BZAW*, XXVII, 163; Cowley, *Aramaic Papyri*, *passim*.

<sup>28</sup> For a list of names and discussion, see Höscher, *BZAW*, XLI, 148.

<sup>29</sup> Cf. Gen. 48:20; Ps. 72:17; Jer. 29:22; Isa. 65:15; see Hempel in *ZDMG*, LXXIX, 31 and North in *ZDMG*, VI, NF, *passim*.

<sup>30</sup> Sources of names: (1) the OT; (a) Historical books: Sam., Kings, Ezra and Neh.; (b) pre-Monarchical names. Here one must be cautious, for there is much folk-etymology and myth contained. But the names of Gen. 12-50 and of *P* are traditions of Mosaic names: Num. 1:5-15; 2:3-29; 7:12-83; 10:13-28 (leaders of the tribes); Num. 3:17-37 (Levites); Num. 13:4-15 (spies); Num. 26:5-50, 57-60 (list of the families, partly repeated from Gen. 46:8-25; Exod. 6:14-25; Josh. 17:2 f.); Num. 34:19-28 (second list of tribe leaders). These lists are invaluable if authentic, as, for example, Noth thinks. The names in Chronicles are unreliable; cf. Gray, *HPN*, p. 226; H. L. Gilbert, *AJS*L, XIII, 279. (2) Samaritan ostraka (see Reisner-Fisher-Lyon, *Harvard Excavations at Samaria*, I, 239). (3) Aramaic papyri of 5th cent. b.c. in Egypt (see Cowley, *op. cit.*). (4) Jews of Babylon of the 5th cent. b.c. (Hilprecht and Clay, *Babylonian Expedition of the Univ. of Penna.*, Ser. A, Vols. IX and X; Tallquist, *Neubabylonisches Namenbuch*). (5) Aramaic north-Syrian states of the 9th and 8th centuries. But these are not Semitic; neither are the Aramaic inscriptions of Assyria and Babylon from the 8th-5th centuries (collected *CIS*, II, 1); nor are the Egyptian-Aramaic inscriptions of the Persian period (*CIS*, II, 122). See Cook, *Glossary*;

Lidzbarski, *Ephemeris, Handbuch*. (6) The Palmyran inscriptions of the first three centuries A.D. (Ledrain, *Dictionnaire des noms propres palmyréniens*, and much periodical material). (7) Canaanite and Phoenician: (a) of 2000 B.C., known as the East-Canaanites (B. Landsberger, *ZA*, XXXV, NF, 238; Bauer, *OstKanaanäer*); (b) Canaanite-Phoenician names of the cuneiform inscriptions of (i) Tell Ta'anek (Hrozný in *DKAW*, phil. hist. kl. Vols. I and LII; (ii) El-Amarna (Knudtzon, *Tel-El Amarna Tafeln*); (iii) Inscriptions of Byblos (R. Dussaud, *Syria*, V, 137, 143, 145; VI, 109; (iv) cuneiform records of 8th and 7th centuries of Assyrian Kings; Phoenician inscriptions of 5th cent. (*CIS*, I, 1-9); (v) Phoenician inscriptions of Cyprus and Egypt (*CIS*, I, 10-96; 97-113); (vi) the Carthaginian inscriptions (*CIS*, I, 122); (vii) South Arabian inscriptions (Halevy in *JA*, 6:19:129; *CIS*, IV; Hommel, *Südarabische Chrestomathie*, p. 129; (viii) old North Arabian names, to which belong the Nabatean, etc. But these names have no relation to the older Semitic groups, see *WZKM*, XXXII, 35; (ix) Akkadian names of the early period, of which there is a large bibliography; see works of Ranke, Ungnad, Tallquist, etc.

<sup>31</sup> M. Noth has compiled as good a list as any, in which he indicates all words where the theophorous element is doubtful, names which are found only in Chronicles, which are otherwise doubtful, and which are doubtfully connected with a word of relationship. His statistical list includes all names compounded with ܐܼ, ܾܼ, ܻܼ, ܼܵ, and ܼܶ, selected by periods, including the Elephantine and Babylonian names, etc.; *ZDMG*, VI NF, 14. H. P. Smith in *AJSL*, XXIV, 34 also attempts to classify the theophorous names, as of course does Gray, *HPN*. Nöldeke in *EB*, without presenting a detailed study, suggests the problem; *EB*, p. 3287. See also WRS, *Religion*, p. 45, and SAC's corresponding note. M. Jastrow in *JBL*, XIII, 101, shows that ܰ and ܲ in proper names are often not theophorous, but are the affirmative emphatic; Jastrow also gives a list. Bauer in *ZAW*, VII NF, 77, tries to interpret names with ܰ. J. Offord in *PEFQ*, 1916, p. 85, further attempts to interpret the theophorous names by pointing to Babylonian parallels, as does Jirku, *Altorientalischer Kommentar*, pp. 109, 111, 116, 146, 149, 157. H. H. Bräu in *WZKM*, XXXII, 31, 85, does the same for old North Arabian names.

<sup>32</sup> In *ZDMG*, VI NF, 44.

<sup>33</sup> *HPN*, p. 252.

<sup>34</sup> *Ibid.*, p. 255; for similar argument cf. Nielsen, *Dreieinige Gott*, p. 78.

<sup>35</sup> *Kyrios*, III, 311.

<sup>36</sup> Baethgen, *Beiträge zur semit. Religionsgesch.*, 1888, p. 156, translates: "My brother/father is Yah/melech," "My father is melech/Baal," etc., because it would be improper to translate "father of Yah/melech/Baal," etc. Nöldeke, reviewing Baethgen in *ZDMG*, 1888, p. 480, doubts this translation, and considers ܰ figurative as in Gen. 45:8. WRS, *Religion*; *BDB* follow Baethgen. Jastrow in *JBL*, XIII, 101 says, "It is not in

accord with Semitic conceptions either primitive or advanced to regard a deity as a brother; kinship with the deity never went so far." Gesenius sometimes takes the אָבִי in a name in the sense of the possessor of a quality.

<sup>37</sup> For presentation of two different interpretations in the same work see Nöldeke in *EB*, p. 3287 and Cheyne in *EB*, s. v. *Abi*, col. 9. Perhaps Baudissin in *Kyrios*, III, 311, advances the best case, although he is inclined to be arbitrary against interpretations which would injure his hypothesis.

<sup>38</sup> Against Lagarde's theory that all compound names with בָּתָּה are from the assimilated אֶת, אָבִת = אָבָת, see Gray, *HPN*, p. 23. בְּתַּשְׁוֹר (I Chron. 2:3; 3:5) might be "daughter of יְהוָה," where יְהוָה is a deity, but the name itself is doubtful. בְּתַּחֲנִית might be equal to בְּתַּחֲנִית (I Chron. 4:18), but the name might be Egyptian, and is very uncertain, cf. *LXX*. בְּתַּשְׁבָּע might be the name of a deity, but here too the meaning is questionable. See generally Nöldeke in *EB*, p. 3290; Baudissin, *Kyrios*, III, 357.

<sup>39</sup> For partial list see Gray, *HPN*, p. 64, n. 2.

<sup>40</sup> *Dreieinige Gott*, p. 75.

<sup>41</sup> Cf. Noth, *BWAT*, 1928, p. 71.

<sup>42</sup> *Dreieinige Gott*, p. 68.

<sup>43</sup> Cf. Baudissin, *Adonis und Esmun*, p. 52.

<sup>44</sup> Grunwald, *Eigennamen des AT*, p. 44; Winckler, *Altorientalische Forschungen*, II, 84, refer this form of word to ancestor worship; Gray, *HPN*, p. 253, to totemism — but see Nöldeke, *ZDMG*, XL, 156.

<sup>45</sup> *Kyrios*, III, 375.

<sup>46</sup> Nöldeke, in *VOJ*, VI, 307 thinks such names are relationship terms; *idem*, *EB*, p. 3296. The name is found among many Semitic groups; see S. H. Hooke in *PEFQ*, 1934, p. 97; Jirku, *op. cit.*, p. 158, etc. בֵּן is used metaphorically, but בָּתָּה seldom is, in such cases as אָבִי-עָד (Isa. 9:5); cf. Baudissin, *Kyrios*, III, 324.

<sup>47</sup> *Dreieinige Gott*, p. 77; so also Nestle, *ZAW*, XVI, 322.

<sup>48</sup> Gray in *EB*, p. 138; Krenkel in *ZAW*, VIII, 283.

<sup>49</sup> In *Orientalische Studien*, Nöldeke *Gewidmet*.

<sup>50</sup> For a full discussion of the element סָמֵך among the various Semitic groups, see Barton, *Sem. and Ham. Origins*, pp. 72, 208, 283; cf. also D. S. Margoliouth, *Relations Between Arabs and Israelites*, p. 16; Jirku, *op. cit.*, p. 150; Noth in *BWAT*, 1928, p. 76; *idem* in *ZDMG*, 1927, p. 20; Baudissin, *Kyrios*, p. 372, n. 2; Gray in *EB*, p. 140 — all these discuss סָמֵך as a deity. For סָמֵך as a relationship term, see Nöldeke in *EB*, p. 3289; Gray in *EB*, p. 138. We have a similar problem with דָּבָר; see Nöldeke in *EB*, p. 3289; Gray, *HPN*, pp. 60, 83; Noth in *BWAT*, 1928, p. 79; Baudissin, *Kyrios*, III, 372, n. 4.

<sup>51</sup> *Kyrios*, III, 377.

<sup>52</sup> See, e. g., Nöldeke, *ZDMG*, LIV, 154; Seligman, *Kababish*, p. 123; *idem*, *Studies in Sem. Kinship*, I, *passim*.

<sup>53</sup> For סִנְאָת, see H. W. Hogg in *EB*, p. 1948; Gray, *HPN*, p. 63; Baudissin, *Kyrios*, III, 374; Noth in *ZDMG*, 1927, p. 22.

<sup>54</sup> In *FR*, Oct., Nov. 1869; Feb. 1870 — reprinted in his *Studies*, 2nd ser., p. 491.

<sup>55</sup> In *JP*, 1880, p. 25; *Kinship*, pp. 217, 253, etc.; *Religion*, pp. 288, 296, 444, etc.

<sup>56</sup> See Gennep, *Problème Totémique*; Frazer, *Totemism and Exogamy*; Lang, *Secret of the Totem*; *idem* in *EnBr*, 9th ed., Vol. XVII, s. v. *Mythology*; Wundt, *Folk Psychology*, p. 116; Durkheim, *Forms of Rel. Life*, p. 102; Goldenwieser, *History, Psychology and Culture*, p. 213.

<sup>57</sup> *Kinship*, p. 219.

<sup>58</sup> *Hebrew Proper Names*, p. 253.

<sup>59</sup> Like חַלְדָה, עֲכֹבֶר, etc.; *ibid.*, p. 114. Gray well summarizes many of the totem arguments from names as follows:

1. The preponderance of clan over personal names finds its explanation in the fact that, according to the hypothesis, the names were primarily clan names.

2. The existence of a small number of personal names is due to the transition from a totem tribal to a national organization of society.

3. The use of the names of "unclean" animals is due to the sacred character of these animals in totem worship.

4. The occurrence of these names in the time of Josiah finds a natural if indirect explanation in the survival of ancient superstitious practices. Half consciously the characteristic belief of totemism, that men are of the same stock with the divine animal, may have survived and led to the conferring of the divine name.

5. The virtual cessation of these names after the Exile is explained by the final extinction of the superstitious survivals; see *Heb. Prop. Names*, p. 114. Gray lists all the possible totem names and discusses them, p. 98, etc. Nöldeke also makes a similar list of OT and Arabian names in *BSSW*, 1904, p. 78. See also WRS, *Religion*, p. 288, and SAC's note, p. 622. Of course there is considerable difference of opinion as to which names represent animals and plants. For some rather exceptional attempts to find totemic names among the Semites, see, e. g., H. Bauer, *ZDMG*, LXVII, 344, who amends רְבָקָה to בְּקָרָה, "a cow"; also E. Gratzl, *Altarabischen Frauennamen*.

<sup>60</sup> Cf. Doughty, *Travels*, I, 329.

<sup>61</sup> Cf. Wellhausen, *Reste*, p. 200.

<sup>62</sup> Cf. Burckhardt, *Bedouins and Wahabys*, p. 97.

<sup>63</sup> Nöldeke, *BSSW*, 1904, p. 73; cf. *idem* in *Monatsschrift*, 1884, p. 300; *ZDMG*, 1886, p. 163.

<sup>64</sup> In *JQR*, XIV, 413; in WRS, *Religion*, p. 622. See also Zapletal, *Totemismus*; LaGrange, *Religions Sémitiques*, p. 110; Baudissin, *ZDMG*, LVII, 820.

<sup>65</sup> *Studies in Bib. Arch.*, p. 64.

<sup>66</sup> *Kyrios*, III, 336, but cf. Gray, *Heb. Prop. Names*, p. 86.

<sup>67</sup> For Semitic parallels of the holiness of the ass, see Jirku, *Altorient. Kommentar*, p. 80.

<sup>68</sup> Wellhausen, *Reste*, p. 151.

<sup>69</sup> *PEF*, 1901, p. 272.

<sup>70</sup> See in *JQR*, XIV, 437.

<sup>71</sup> *Dreieinige Gott*, pp. 94, 138.

<sup>72</sup> *Kyrios*, III, 239.

<sup>73</sup> Canaan, *Morgenland*, XXI, 12.

<sup>74</sup> Frazer, *FLOT*, III, 160; Lods, *Israel*, p. 247; see in *JE*, IV, 110.

<sup>75</sup> See, e. g., Thomas, *Arabia Felix*, p. 59.

<sup>76</sup> E. g., the ewe ought to be forbidden to the "sons of Rachel"; the ram should be forbidden to the clan of Elon or Aijalon.

<sup>77</sup> 43 clean; 42 unclean; cf. Jacobs, *op. cit.* Besides there was probably an extension of the unclean animals in the OT due to the methodical discrimination of all that do not chew the cud, do not have cloven hoofs, etc.

<sup>78</sup> No tribe called, for instance, "panthers" whose members were "sons of panthers."

<sup>79</sup> *Entstehung der Speisesakamente*, p. 57, cf. p. 69.

<sup>80</sup> F. W. Buckler in *ATR*, X, 239.

<sup>81</sup> K. Sethe in *ERE*, VI, 647.

<sup>82</sup> *Sex and Culture*, p. 16.

<sup>83</sup> Jirku, *Altorient. Kommentar*, p. 226.

<sup>84</sup> Lods, *Israel*, p. 118.

<sup>85</sup> Gressman, etc., *Altorientalische Texte und Bilder*, I, 371; cf. Jirku, *op. cit.*, p. 226.

<sup>86</sup> Paffrath, *MDVG*, Vol. XXI.

<sup>87</sup> *Cuneiform Texts*, *Brit. Mus.*, XXI, 40.

<sup>88</sup> Jeremias in *AO*, XIX, 4.

<sup>89</sup> In *JBL*, XV, 170.

<sup>90</sup> For a full account of divine kingship and supernatural birth, see Starrel's MS, *Supernatural Birth*, in which there is collected a great deal of material and a full bibliography.

<sup>91</sup> *Gudea Cylinder*, A II, 28 ff., III, 1 f.

<sup>92</sup> *CAH*, I, 562.

<sup>93</sup> Cf. Jastrow, *Religion*, p. 561; Mercer in *JAS*, 1917, p. 2.

<sup>94</sup> See *KAT*, p. 379, n. 2; p. 643, n. 3; T. G. Pinches in *ERE*, VI, 642; Jirku, *op. cit.*, pp. 194, 226; Jeremias in *AO*, XIX, 4.

<sup>95</sup> Jeremias, *ibid.*, p. 5. Many more examples could be given; see Jirku, *op. cit.*, p. 194; Jeremias, in *AO*, XIX, 9; Barton in *JBL*, XV, 170; G. Margoliouth in *ERE*, I, 437. For the Phoenicians, etc., see WRS, *Religion*, p. 45; also cf. bibliography by J. M. Powis Smith in *AJS*, XXXIX, 32, n. 1.

<sup>96</sup> Jeremias in *AO*, XIX, 3.

<sup>97</sup> *Kyrios*, III, 245.

<sup>98</sup> *Königtum Gottes*, p. 68.

<sup>99</sup> In *ZAW*, 1928, p. 81.

<sup>100</sup> Because of many parallels, the *abi* could not mean "my father." Buber, *op. cit.*, p. 27, thinks it was Abimelech who was the first king, and therefore the name — but there is no more reason for selecting him than Jerubbaal, although it is true that Abimelech was the first to be specifically called "king" (*Judg.* 9:18; but this refers only to city of Shechem, where he was city-king. Nowhere else is he called king; *שָׁוֹר* *Judg.* 9:22. But "prince" and "king" may be the same; cf. *I Sam.* 10:1). But Jerubbaal rules over "Israel" (*Judg.* 8:23), and in the same passage Yahweh is also referred to as a ruler, although it is true this may be a late addition. The proper names are the best proof of Yahweh conceived as "king."

<sup>101</sup> For a number of Babylonian and Canaanite parallels to Abimelech and Ahimelech see Jirku, *op. cit.*, s. v. Malchiel, Num. 26:45; Gen. 46:17 is probably an old tradition. For parallels, see Jirku, *op. cit.*, p. 80.

<sup>102</sup> In *AJS*, XLVIII, 1.

<sup>103</sup> *I Sam.* 9:15–17; 10:1, 17–24; 13:11–14; 15:10–28; *II Kings* 9:1–13; *Hos.* 8:4.

<sup>104</sup> Crawley suggests that contact with sacred oil communicates the spirit and life of Yahweh to the king (*ERE*, I, 550). Undoubtedly the oil was but a surrogate for blood, thus creating a blood kinship — see next chapter. Kautzsch in *HDB*, V, 660a, however, says that the anointing was but a breaking away from earlier conceptions. It was only later that the anointing was understood metaphorically, being applied to the prophets (*Isa.* 61:1), to the patriarchs (*Ps.* 105:15), and especially to the Messiah; cf. North, *ZAW*, 1932, p. 17.

<sup>105</sup> The king was only the adopted son of the deity, think Gressman, Kittel and A. R. Johnson; cf. Johnson in Hooke's *Labyrinth*, pp. 79, 109. So too does North believe, *ZAW*, 1932, p. 36; and he is of the opinion that all passages specifically stating that the king is a son of the deity must be understood metaphorically.

<sup>106</sup> It was of course to the interest of the anti-Yahwistic kings to encourage emperor-worship. A. T. Olmstead in *AHR*, XX, 567, suggests that Ahaz brought the new altar to the Temple (*II Kings* 16:10–18) to represent the enthronement of the Assyrian king as deity.

## BLOOD AND SACRIFICE

"Blood is a juice of a very special kind," as Goethe remarks. The Semites held the common belief that the blood contains the life (Gen. 9:4; Deut. 12:23; Lam. 2:12). The Arabs used the word for soul, *nafs*, cognate with the Hebrew, *nefesh*, in the sense of blood. When a man dies a natural death, say the Arabs, his life departs through his nostrils, but when he is slain in battle, "his life flows on the spear point."<sup>1</sup> Belief in the blood-soul explains their custom of not washing the slain, and of burying the Moslem martyrs in their blood, according to Mohammed's commands at Uhud.<sup>2</sup> There is a story of a newly married Arab, attacked, when with his wife, by a strong band of raiders. He thereupon killed his wife, smeared himself with her blood, and fought till he fell, by this means uniting her soul with his own.<sup>3</sup> Flesh with the blood is called "living" (I Sam. 2:15), and the use of "blood" for "soul" was more than metonymy (II Sam. 23:17).<sup>4</sup>

Whenever human blood is shed or lost, a part of human life and soul is lost. This makes blood highly respected, but at the same time highly dangerous.<sup>5</sup> This also accounts for the purification that the men undergo at the end of a campaign, when they cleanse themselves, their prisoners and their spoil, and pass metal objects through fire (Num. 31:19-24).

The dead soul belongs in Sheol, and it arrives there when the body is properly buried underground. The soul may be destroyed completely by burning the body or hanging it on a tree. When adequate precautions are not taken the blood is harmful to the living (Gen. 4:10). It often happens that no vengeance is called for when no blood is shed or falls to the ground, while a simple blow invokes blood revenge should some of the blood flow. Captive kings were slain by opening the veins, and precautions were taken that not a drop of blood flow, on penalty of revenge.<sup>6</sup> One's own spilled blood also contains part of the soul. Doughty tells of an Arab who was cupped in the head, neck and back. He then covered the blood with a little heap of dust, and when he was asked, "What is this heap?" answered, "Blood which I have buried."<sup>7</sup>

The buried body was covered with a layer of gravel and clay, even when placed in an urn or immured.<sup>8</sup>

To be sure that the corpse was buried, dust was scattered on the body even before it was laid in the grave. Thus, in *Hamasa*, 423, vv. 1-3:

In Beidha there lies one that is dead,  
 . . . His uncle's daughters stand around him,  
 . . . They throw the dust on him with their hands;  
 Their throwing dust on him is not inspired by hatred.<sup>9</sup>

When an animal is killed by the Arabs the blood is carefully buried in the earth,<sup>10</sup> and in the shrines of the saints, great care is taken that neither the floor nor the tomb be polluted with blood; a pail is placed

so that all the blood flows into it. Sometimes the blood is led through a special channel to the outside.<sup>11</sup>

Childbirth by the Arabs is known as *nifas*,<sup>12</sup> and after childbirth and during menstruation a woman is impure and therefore dangerous (cf. Lev. 12:1 ff.). At such a time the woman is surrounded by injurious demons, through whom she may do much harm. Her utensils are also unclean, and if she mounts an animal while unclean, she is obliged to place a small sack of earth on its back before touching the animal.<sup>13</sup>

Robertson Smith, Trumbull and others have collected much evidence to show how a fictive kinship may be formed by drinking or exchanging blood; thus the souls are united. Even the blood of an enemy or an animal may be eaten so that the courage of the other may be absorbed.<sup>14</sup>

In view of the holiness of blood, it is not surprising that it has a number of ritual functions. Before formulating a theory of sacrifice, let us trace some of these functions.

The evidence for human sacrifice among the ancients is impressive. "In a true human sacrifice, the victim may be (a) a young infant, the first-born of the family; (b) a criminal or prisoner of war; or (c) a person of special importance in the eyes of the person or the tribe offering the sacrifice."<sup>15</sup> There is little doubt that human sacrifice was practiced among the Egyptians down to historical times,<sup>16</sup> and Mader is of the opinion that "every religious cult was in Egypt originally an ancestor cult." Even though the Assyrian-Babylonian cuneiform inscriptions and

reliefs which indicate human sacrifice are not numerous, nevertheless they are enough to show the existence of human sacrifice among these peoples, and it seems that the offerings were made to the dead. Thus, Ashur-bani-pal relates that by the same colossal bull near which his father Sennacherib was murdered, he slew Babylonian prisoners of war as a sacrifice to the dead.<sup>17</sup> The classical country of human sacrifice is, of course, Phoenicia. Eusebius reports that El or Kronos gave his only son as a holocaust.<sup>18</sup> The Phoenicians offered children, and this cult which so incensed the Romans and Greeks was so deeply rooted that this custom in Carthage continued long after the fall of the city, although the Romans, as earlier the Persians and Greeks, tried hard to destroy the practice.<sup>19</sup>

Excavations have borne out the documents, and at Carthage thousands of urns containing the bones and relics of children, newly born or up to twelve years of age, have been found.<sup>20</sup> G. F. Moore thinks that the child sacrifices in Judah were modeled after the Phoenician form, although the religious motive came from within.<sup>21</sup>

The Old Testament represents the Molech sacrifices as Canaanite (*Deut.* 12:29–31; 18:9–14; *Ezek.* 16:20 f.; *Jer.* 3:24; 19:5). Numerous excavations, as at Gezer, Megiddo and Taanach, have brought to light infant burials. While, as Cook points out, it does not perhaps follow that every jar burial represents a sacrifice,<sup>22</sup> still many do seem to be piacular. First of all, apart from a few children about six years of age

whose skeletons show plainly traces of burning, the rest are newly born infants showing no signs of mutilation. Second, bodies are never otherwise buried in jars; third, the sites are no ordinary burial grounds, but cult-shrines. One infers therefore that the children were slain as first-born offerings.<sup>23</sup>

Often human victims were placed under a new house as a foundation sacrifice.<sup>24</sup> At Megiddo there was found under the fortress the body of a girl of about fifteen years;<sup>25</sup> at Megiddo also was found in the middle of a wall a jar containing the body of an infant buried head first.<sup>26</sup> At Taanach, beside the gate of the fortress, was the body of a boy, protected by a stone of the same kind as those of which the wall was built.<sup>27</sup> At Gezer were discovered in the wall the skeleton of a child and that of a woman, the latter showing signs of rheumatism and age.<sup>28</sup> The last instance shows that the custom was falling into disuse since it may be presumed that the woman had died of natural causes. Occasionally, the living sacrifices were replaced by silver figurines,<sup>29</sup> or, from the fifteenth century onwards, there were simply laid in the foundations the customary accessories, bowls, and especially lamps.<sup>30</sup> In this regard Lods observes, "The lamp whose original purpose was to give light to the dead in his subterranean abode, came no doubt later to be regarded as symbolizing, indeed as actually being, the life itself (cf. Prov. 20:27)."<sup>31</sup>

The questions remain: to whom and for what purpose were these sacrifices made? Mader comes to the conclusion that the Canaanite sacrifices were offered

to Kronos, the god of the underworld.<sup>32</sup> There is much Palestinian and Arabian evidence which seems to confirm the fact that the human victims were sacrificed that their blood might give strength to, or protection from, the dead.

Robertson Smith has shown that the early sacrifices were usually kinsmen or conceived of as kinsmen,<sup>33</sup> and sons were often offered.<sup>34</sup>

Most human sacrifices were made at a home or a shrine, and from modifications of this type of offering we can understand its purpose. Canaan notes the significant fact: "According to an old belief, which is at present dying out, some buildings — especially baths and houses erected near a spring — will not be fortunate and prosperous unless the foundation stone has been erected upon shed blood. In the case of a Turkish bath, it is even thought that a human being must be offered before the first stone is laid."<sup>35</sup> Curtiss explains in detail the class of sacrifices known as *fedou*, which are used for redemption.<sup>36</sup> *Fedou* is used for houses, for a child, at marriage, for the sick, and for the dead.

When a man finishes a house, he makes a sacrifice on the doorstep. It is a redemption for the building. Every house must have its death, a man, woman, child, or animal. God has appointed a *fedou* for every building through sacrifice. If God has accepted the sacrifice he has redeemed the house . . . A simple Moslem at Nebk in the Syrian desert said: "The *fedou* is commonly for the future to ward off evil." When they lay the foundation of a house, they slaughter with the idea that St. George will preserve the

workmen. Every house must be redeemed. If not redeemed by the sacrifice of some animal, it must be redeemed by a human life.

Curtiss gives examples where at the beginning of an important building the blood of a victim is placed in the foundation. "It is actually a proverb among the people, who are about to construct a house, 'It will not do to begin this building without shedding blood.'" For the *fedou* keeps off disease and the jinn.<sup>37</sup> Strongly reminding us of Isaac's miraculous birth and the later substitution of an animal for his life (Gen. 21 and 22) is Curtiss' statement that "a man who has not had a child promises a *fedou* that he may receive the gift of one from a certain saint. If it should be born, when it is several days old, they put the blood of the sacrifice offered in payment of the vow on its forehead."<sup>38</sup> Frequently a ram or other animal is killed and its blood poured in hot springs, streams, etc., to propitiate the spirits who are supposed to live there.<sup>39</sup> Canaan notes that the custom of foundation sacrifices is almost extinct, and that today many lay under the threshold a few silver coins, which serve vicariously for human sacrifice to the demons.<sup>40</sup> When there is only one child in the family, Curtiss reports, it is customary to vow to slay a goat or a sheep at the annual festival. The origin of the custom is supposed to be that the child is vowed to the saint, as long as the child lives. When a child is vowed to the saint, the child is not slain but it is redeemed, either by payment of money, or when of age, by serving in the shrine of the saint for the

benefit of the *weli*.<sup>41</sup> It is interesting that the wedding of a girl cannot take place until her redemption price has been paid to the *weli*, although her price is not so great as a boy's.<sup>42</sup> In Egypt if a woman has lost several children in succession at birth she thinks that she has somehow or other incurred the anger of the child's demonic double, so she buries the placenta of the newly born child under the floor of the house. This appeases the spirits. In Egypt the placenta is regarded by some as an unfinished infant, so that the woman in order to ensure the birth of another child, will bury the placenta under the threshold.<sup>43</sup> Sometimes, in order to keep the spirits from taking away her child, the mother will kill a puppy when at her seventh month of pregnancy. The puppy is killed over a cloth, on to which the blood flows. As soon as the child is born it is wrapped in this blood-stained cloth.<sup>44</sup>

Among the Kababish, a sheep is killed on the day a child is born; and in the case of a male child, several sheep are killed on the seventh day after birth in front of the tent where the mother and child lie.<sup>45</sup> It is perhaps reminiscent of the time when the father sacrificed the child that today among the Kababish the first shaving of the child's head is done ceremonially, but on no account may the father perform the ceremony. The seven-month-old boy or girl is taken by the mother to the tent of one of its paternal uncles, who shaves the child's head and makes the sacrifice, usually a sheep. It is interesting that among some Arabs any respected man may shave the child's head

for the first time (we have already seen the connection between hair and blood), but always a present of animals is made to the child, or a sacrifice is offered.<sup>46</sup> This particular sacrifice is called the *karama* and the meat is never eaten by the family, but is given to the poor.<sup>47</sup> It is a usual practice to put a spot of blood of the animal slaughtered on the forehead of a young child.<sup>48</sup> Other occasions when the *karama* is made include dreaming of a dead parent.

In Egypt, before people take up residence in a newly-built house, or complete a well for a water wheel, or use new machinery for irrigation or grinding corn, an ox or a sheep, or, if the people are poor, a fowl must be killed on the threshold of the house, or close to the engine, or inside the well before the water level is reached. This is done in case these spots may be haunted by the afrit, who will trouble the owners if not properly appeased by the blood of a sacrifice.<sup>49</sup>

We have already noted the belief that the deity of the house — the ancestor god — dwelt at the threshold. There can be little doubt then, for whom the blood of the threshold was intended. In Arabia today, when a new house is finished, the prospective occupant will first slay a sheep, dabble his hand in the pool of blood, and smear the doorpost.<sup>50</sup> In Syria and Egypt when an honored guest is to be welcomed, the blood of an animal is shed on the threshold as a means of adopting the newcomer into the family. The animal is killed, and when it is removed, the guest steps over the blood, across the threshold; and in this manner he becomes a member of the family by the threshold covenant.<sup>51</sup> Likewise, when a man would

leave his tribe and join another, he takes a lamb or goat to the entrance of the tent of the sheikh of the tribe. Slaying the animal there, and allowing its blood to run out on the ground at the threshold of the tent, he makes his appeal to be accepted as a son by adoption. So the Arab does also when seeking protection.<sup>52</sup> This appeal is as if he laid hold of the horns of the altar. Indeed in the excavation of Tell-el-Hesy, in southwestern Palestine, Sir Flinders Petrie discovered various ornamental doorjambs. In one case a simple volute on a pilaster slab suggested to him "a ram's horn nailed up against a wooden post" and he saw in this the origin or the type of the horns of the altar, so often mentioned in temple architecture, and especially of importance in giving protection to those fleeing blood revenge.<sup>53</sup>

C. J. Ball suggests that the pouring out of blood was a conciliatory present to the manes of the dead. "The radical change of death might suggest that as the corporate unity of the departed with his clan had been broken, it must be restored by giving the dead to drink of the blood of the living kindred."<sup>54</sup> Besides this factor, and probably even more important, was the ever-present fear that the dead would demand his due, and it seems that primarily the first-born or other child and later vicarious substitutes were offered to prevent the dead from taking the life of the older and therefore the more important members of the group.<sup>55</sup>

However much the Passover has been modified in the course of time, it is reasonably certain that it had

much to do with ancestor rites, and with rituals to prevent the dead from taking the living children.

During the three dark nights immediately preceding the first new-moon following the spring equinox, and culminating on the night of the new-moon itself, the spirits of dead ancestors, and particularly those who had died during the year, were thought to be released from the nether world, their regular abode, and to be free to wander where they listed and to work mischief upon all whom they chanced to meet. In particular they sought to force their way into their old abodes and to injure their former relatives. To guard against their attacks each clan or family sacrificed a lamb, or probably in the earlier stages of the ceremony a camel, in honor of its dead ancestors. The sacrifice was slain upon the threshold of the tent or house, and in addition thereto, the blood was smeared upon the lintels and doorposts. Through this protective circle of blood surrounding the doorway, these spirits could not pass, and the inmates of the house or tent were thus guarded against their attacks. During the entire night, and until the protective light of dawn had come, no one ventured forth from the shelter of the home; all through the long darkness they kept watch-night in terror of the danger without. This was the origin of the peculiar Paschal sacrifice of ancient Israel, and of the *dahiyyeh* sacrifice of the present-day Moslems.<sup>56</sup>

Morgenstern suggests further it was thought that the ancestral spirits also brought about animal birth, and at a later stage of cultural evolution, that they caused the earth to yield its produce. Consequently it was to them that the sacrifices of firstlings and first-born were originally offered. Lods also thinks that

the most probable theory of Passover regards the day as that on which the first-born of the flock was sacrificed.<sup>57</sup> It seems however more likely that the offering of the firstlings was a vicarious offering for the first-born, for there does not seem to be any evidence that the ancestral spirits were interested in anything more than the first-born of humans, whose blood they particularly desired. Other sacrifices of blood, animals and first-fruits were intended as substitutes for the first-born.

Exod. 4:23; Num. 3:11–13; 8:17 specifically speak of sparing the first-born in connection with the Exodus. That the ancestors helped to effect the Exodus is hinted at by the fact that the deity who delivered the Hebrews from Egypt is referred to in the plural in I Sam. 4:8 and in I Kings 12:28, and by the fact that the word **לְנָא** is frequently used in the same connection (Exod. 6:6; 15:13; Ps. 74:2; 77:16; 78:16; 78:35; Isa. 43:1; 48:20; 63:9). **לְנָא** itself probably connotes “sparing” or “soothing”; might it not very well be that the Passover idea comes from the sparing of the children by the placing of the blood of the lamb on the lintels? The lamb as a substitute for a human is frequently found.<sup>58</sup>

The modern fellahin of upper Egypt today observe a festival celebrating the birth of a long-awaited child. A ram is purchased for the sacrifice, and a good deal of the blood is preserved in a large bowl with which the house-door is sprinkled.<sup>59</sup> In some Palestinian shrines the blood of the offering is not permitted to touch the ground, but some of it may be

used to decorate the lintel and the jambs of the door. The forehead of the child is likewise smeared with the blood.<sup>60</sup>

The mother of the boy, when she slaughters a sacrifice vowed in his behalf, takes some of the blood and puts it on his skin. They call the sacrifice *fedou*. Taking the blood from the place where the sacrifice is slaughtered is equivalent to taking the blessing of the place and putting it on the child. People who are particular about observing all the requirements of the ritual cover up the blood.<sup>61</sup>

Similar in tenor are these reports:

El-'Id el Kibir (the Great Festival), held in commemoration of the sacrifice of Isaac, follows forty days after Ramadan, and a public holiday of three or four days' duration is observed. Quantities of grain are given as gifts to the poorer folk by those who possess land . . . On the first day of this festival all who can afford it sacrifice a ram (thus calling to mind the ram sacrificed for Isaac) outside the door, and sprinkle some of its blood on the house door.<sup>62</sup>

Sacrifices are quite commonly offered for children, especially if there is fear that a son may not live. In Nebk one victim is brought for a girl and two for a boy; in other parts of the country, and perhaps usually, no sacrifices are brought for girls. For a boy, when he is seven years old, they offer a sacrifice without breaking a bone, because they fear that if a bone of the sacrifice should be broken, the child's bones would be broken too.<sup>63</sup>

There is ample evidence that child-sacrifice, and particularly the sacrifice of first-born children, was once practiced extensively in Israel.<sup>64</sup> *J* and *E* preserve the primitive usage. In Exod. 13:12 f. and

34:19 f. it is enacted that the first-born males are to be Yahweh's; the first-born among men are to be redeemed; the redemption price is not fixed. The unclean animal (the ass) is to be redeemed with a lamb or else it is to be killed without shedding of blood. The other firstlings are to be sacrificed. The Book of the Covenant provides that the firstling of a cow or a sheep is to be offered to Yahweh on the eighth day after birth (Exod. 22:29). According to Deut. 15:19 ff., all first-born males of the herd and the flock, if free from blemish, are to be sacred to Yahweh. The command not to do any work with the firstlings of cattle or to shear the firstlings of the flock (v. 19b) indicates that the animal need not be offered (as in *JE*) on the eighth day. It is set apart for a sacrificial meal at the central place of worship, which is now the only legitimate shrine. The flesh of the firstlings is to be eaten by the owner and his household, the priest receiving the usual share. The dedication is still an offering and not a payment of a tribute to the priest.

In *P* there is an entirely different disposition of the firstlings (Num. 18:15-18; Lev. 27:26 f.). The redemption price of first-born sons is now definitely fixed at five shekels a head. The flesh of the animal victim no longer belongs to the owner and his family, but is a perquisite of the priest. While Ezekiel demands for the priest "the first of all the firstlings of everything" (44:30), *P* claims not only a portion but the whole of the firstlings of all clean beasts; and the firstling of an unclean animal, if it is not sold for the

benefit of the sanctuary, is to be valued, and redeemed at six-fifths of its valuation (*Lev.* 27:27). According to the theory of *P*, the offering goes to the priest, perhaps because the Levites are themselves the vicars of the first-born (*Num.* 3:11-13).

In its crudest form, however, the sacrifice was directly made to save the adult male or males (cf. *Mic.* 6:7, etc.). It is certain that the Israelites ascribed great efficacy to these sacrifices, and that they persisted late. The book of Kings relates that it was owing to the sacrifice of his eldest son that Mesha, the king of Moab, was able to avert the wrath of his god Chemosh from himself, and turn it upon his Israelite and Edomite foes (*II Kings* 3:27). Ezekiel (20:26), like most of his contemporaries, believed that *Exod.* 22:28 f. contained a stringent command to sacrifice all the first-born; perhaps he was right. It is of interest to note that the first patriarch had to be told that Yahweh did not require such sacrifices.<sup>65</sup>

Frazer suggests that the foundation sacrifice was made to provide guardian angels.<sup>66</sup> Westermarck contests this view because of its inconsistency with the dread that is felt for those souls that have been slain.<sup>67</sup> But both the foundation sacrifice and the first-born sacrifice were made to one already dead, i. e., the ancestor, who indeed provided the life of the group, and who in turn demanded blood to sustain himself.

Moore, in the summary of his article on sacrifice, says: "From first to last the utmost importance attaches to the disposition of the victim's blood. In-

deed, it may be said that this is the one universal and indispensable constituent of sacrifice . . . This use of sacrificial blood is older than the offering of part of the victim by fire, and is the necessary antecedent of the feast, its religious consecration. The offering or application of blood cannot very well be regarded as a gift to God, or a mere incident in the preparation for a communal meal.”<sup>68</sup>

That blood is indeed prime to sacrifice is borne out by all the evidence. The material available is so voluminous that it will be necessary only to select the most indicative facts, in order to determine upon a theory of the original function of Semitic sacrifice.

Robertson Smith maintains that “when the blood is offered at the altar, it is conceived to be drunk by the deity.”<sup>69</sup> Ps. 16:4 speaks of “drink-offerings of blood” and Ps. 50:13 of drinking the blood of goats, but perhaps the word “drink” is not to be understood too literally; it was only necessary to slay the victim and to pour the blood at the deity’s abode. Canaan, in speaking of the sacrifices to the saints, says: “In offering an animal we are offering a life, a soul for another one — the human life. The meat of the sacrifice is not the important part. It serves only to satisfy the human visitors. The gods (saints are practically lower deities) do not eat and drink; they are only satisfied by the sacrifice of the soul . . . No animal which has been previously killed will be accepted by the *weli* as a sacrifice. The blood must be shed in his shrine, or at least in his name. It is the atoning act.”<sup>70</sup>

In all Arab sacrifices except the holocaust, the

blood flows over the sacred symbol or gathers in a pit at the foot of the altar idol. Sometimes the blood is applied to the summit of the sacred stone. What enters the pit is held to be conveyed to the deity.<sup>71</sup> Robertson Smith deduces from Zech. 9:7; Ezek. 33:25; Lev. 19:26 and other information, that the worshippers too participated in the drinking of the blood, and this confirms his hypothesis that sacrifice was essentially a meal shared with the deity. But it seems, apart from other considerations, that the verses he selects do not show this is a fact, and his other examples are either quite exceptional or reported by not too reliable sources.

It is noteworthy that in the Hebrew ritual both of the holocaust and of the sin-offering, the victim is slain at the altar "before Yahweh"; moreover, in the sin offering, the priest dips his finger in the blood, and so applies it to the *horns of the altar* (Lev. 3:2; 4:6, 7, 17, 18, 34). Should any of the blood touch the priest's garment, he must wash it in a holy place (Lev. 6:20). In conjunction with the ordinance against eating the flesh with the blood is the less stringent penalty for eating an animal which "dieth of itself, or that which is torn by beasts"—presumably because of the doubt whether or not any blood has flowed; in the latter case the eater must wash his clothes and bathe himself in water, and he is unclean until evening (Lev. 17:15)—probably from fear that some of the blood might have spattered the garment. This is also observed in Islam.<sup>72</sup>

There are other offerings and lustrations in which

the blood of animals is involved (Lev. 1:14; 12:6, 8, etc.), and there are offerings of non-animal sacrifices — cereals, wine, oil, and so on. The wine was treated like blood, being poured out at the base of the altar, and we can conclude with Robertson Smith that the libation of wine as an imitation of, and a surrogate for, the primitive blood offering, found its place in the ritual.<sup>73</sup>

The cereal offerings with oil are not important, as can be seen from the fact that the portions not burned on the altar are assigned to the priests. Oil itself was poured out on sacred stones (Gen. 28:18; 35:14) and may be easily understood as a substitution for blood. The cereal offering too is probably connected with first-born substitutions, for, as Robertson Smith notes, "there is no doubt that in ancient times the ordinary source of the *minhah* was the offering of first-fruits — that is, of a small but choice portion of the annual produce of the ground, which in fact is the only cereal oblation prescribed in the oldest laws (Exod. 23:19; 34:26)." <sup>74</sup> We have already seen the connection between first-fruits and first-born.

Lest it be thought that this method of substitution seems too far-fetched, it must be remembered that first of all, we have many Semitic examples of similar substitutions, and secondly, the development of sacrifice necessarily spread over a long period of time with concomitant changes.

To whom were these sacrifices of blood originally offered? No doubt it was to the ancestor spirits of the

family. Cook has shown that sacred sites could be sometimes inaugurated by family sacrifices, particularly human sacrifices, as at Ophrah, Mahaneh-Dan, and Mizpah.<sup>75</sup> In the case of Gideon, it was necessary to bring the collected blood (*הַמְרָק*) to the angel before the theophany occurred (Judg. 6:19 ff.). This was at the terebinth of Ophrah, which probably was the shrine of the eponymous hero of the family. So too at the shrine of Mahaneh-Dan, *a*, if not *the*, Manoahite sacred place,<sup>76</sup> the theophany occurred when Manoah offered to dedicate Samson to the deity, and in addition thereto, offered up a kid with the *minhah* on a rock (Judg. 13). And "the story of Jephthah at Mizpah suggests the sacrifice of human life in order to endow the shrine with a specific function."<sup>77</sup> It was at Mizpah of course that the cairn was erected (Gen. 31:49 ff.), reminding us strongly of cairns covering the grave of a hero.

Curtiss gives many examples of Palestinian sacrifices, and notes that the "bursting forth of blood" seems very important, so that no sacrifice is complete without this rite; and it is particularly for the dead ancestors that this sacrifice is made. The sacrifice is offered to the *weli*, and occasionally to God.<sup>78</sup> These sacrifices are often made for someone who is ill. The sick person is bathed with the blood to protect him from dying. If a man neglects to perform his obligations to the departed, or if he dreams of the dead ancestor at night, he must be certain to sacrifice at once, thus redeeming a soul for a soul.<sup>79</sup> It is a common custom if a man loses his son to say to the af-

flicted father, "Do not mourn for him, his death may have saved your life."<sup>80</sup>

One very interesting ceremony parallels the covenant in Exod. 24:6-8 when, after the reading of the Book of the Covenant, the blood is sprinkled on the altar and on the people:

There is an annual festival at the shrine. They vow vows. All who desire go. They wash and put on clean clothes. They dance and sing . . . in honour of the *weli*. The sacrifice must be a male and a sheep, must be perfect, nothing broken, nothing wanting, must be at least a year old. They sacrifice it to the *weli*. They slaughter it outside the door of the shrine, very near the threshold, at the expense of the *weli*. A religious sheikh slaughters it, and reads the first sura of the Koran over it. They believe that by the permission of God, the saint is there . . . They sprinkle the stones outside the *weli* in the wall, and the sick person who has made the vow, with the blood of the sacrifice. They sprinkle the blood on the stones above the door and on the two sides, so that the sacrifice may be acceptable. They cook the animal and give it to the people who are there. The man who sacrifices eats with them . . . They must slaughter, the eating is not so necessary.<sup>81</sup>

In this connection must be noted the use of the blood of birds for cleansing the leper and his abode, the transference of the sins of the community to an animal which is thereupon driven out or put to death, and the sprinkling of blood on sacred beings or things in order to restore their vitality or their virtue — for to give blood is to give life (Lev. 14:4-7, 49-53; 16:20-22; 17:11, etc.).

The use of blood in sacrifice appears to follow a principle that the blood of the animal is a substitute for the lives of those who make the sacrifice or for the lives of those for whom the sacrifice is made. "I have given it (the blood) to you upon the altar to make atonement for your souls; for it is the blood that maketh atonement by reason of the life." (Lev. 17:11.)

In Palestine when a child is attacked by convulsions, it is believed that a jinn is seeking the child's life, and in order to save the life of the child, a pigeon is killed. In order to safeguard against the loss of a camel which is to bear a corpse, a cock is slain on the camel's back, before it is loaded. The blood of the cock, which flows over the camel's body, serves as protection.<sup>82</sup> So, on the important feast day, rich people slay one sheep for each member of the family. Each member in turn steps over the blood of his sacrifice, which protects him. Some women attribute curative power to the blood of such a sacrifice; and if one washes herself in the blood mixed with water, she will be able to bear children.<sup>83</sup>

Sacrifices at the threshold at the time of betrothal or marriage are very common, and seem to point to the feeling that the deity of the family must be appeased before entering into marriage. The blood is either sprinkled on the threshold or on the girl.<sup>84</sup> The blood is sprinkled or smeared on the threshold of the house in so many cases which involve the family and the deity that we can be sure that the blood is offered to the household deity.<sup>85</sup>

Note the following report:

A man who has a large flock of sheep or goats cuts the ear of the first-born lamb in the name of Abraham, hoping that this man of God will protect the whole flock. If he is very rich he may also dedicate the last born lamb of that year to this saint. In measuring the grain, the eleventh *ṣa* is dedicated to the prophet Mohammed, and the last measure belongs to Abraham. This is also distributed among the poor. More vows are made to the saints than to God.<sup>86</sup>

All Palestinian and Arabian travellers attest that in the popular imagination the saints exercise a power far above that of God. Says Frazer:

The notion of a man-god, or of a human being endowed with divine or supernatural powers, belongs essentially to that earlier period of religious history in which gods and men are still viewed as being of much the same order, and before they are divided by the impassable gulf, which, to later thought, opens out between them.<sup>87</sup>

The Arab, says Curtiss, considers the patriarchs still living and able to offer help. The food which is offered to these saints need not be eaten, for, as has been said, it is only the killing which is important; the saint himself cannot eat, but he receives the killed sacrifice as the blood is poured away. The spirit of the dead is supposed to hover where the body has been buried, and the stones on which the blood is poured are supposed to belong to the saint.<sup>88</sup> Of course the Koran forbids slaughtering animals on the graves of the heroes of the tribe, but the practice continues.<sup>89</sup>

It has been suggested that **נָבִי**, priest, meant originally "soothsayer," or more exactly—"one who has a familiar spirit to tell him things unknown."<sup>90</sup> This may very well be; it accords with many other facts; and we know that many of the Palestinian and Egyptian shrines have about them a hereditary priesthood who claim to be mantic.<sup>91</sup> However, the whole question of the rise and development of the priesthood is difficult.<sup>92</sup>

There are many aspects of sacrifice that have not been fully discussed, as the atonement sacrifice, the sacrifices burned with fire, materials of sacrifice like the kidneys and the fat, but these have been well considered by Robertson Smith<sup>93</sup> who shows that either it is the blood which is the important part of the sacrifice or that other materials only substitute for blood.

Curtiss offers the interesting suggestion that originally the proper place to slay the animal was either at the shrine of the *weli* or at the threshold.

If the saint or *weli* is conceived of as residing in a sacred tree, or as revealing himself there, then at that tree would be the place of slaughtering; if he is at a gigantic grave under the open heavens, plastered over, or in the ordinary Moslem grave covered with stones, and with gravestones at the head and feet, and in both cases surrounded with a low wall, then outside such a shrine would be the place of sacrifice. This place would be the threshold. The next step in the use of an altar is in the employment of a rude stone upon which the victims are slain.<sup>94</sup>

We have not yet discussed the institution of the *kedeshim* or *kedeshot*, the hierodules. But here too we

have to do probably with the same sentiment that underlies first-born and human sacrifice — that the worshipper would devote his or her most sacred possession to the deity.<sup>95</sup>

Theories of sacrifice have been many and varied.<sup>96</sup> Perhaps this has been due to the different groups that have been under examination. Difficult as it is to simplify the primitive Semitic ideas to one or two main tendencies, we may be reasonably sure that the dominant motives were twofold: first, to offer blood to the deity, probably originally thought of as the ancestral spirits, in order to protect oneself or others; and second, to offer the blood to strengthen the deity, again equated originally with the ancestors. Both of these tendencies are found in the institution of blood revenge, discussed in the next chapter. Probably a knowledge of these roots of sacrifice compelled the prophets to attack ritual sacrifice, in the same way that they opposed all such ancestor-worship ideas and institutions.

#### NOTES TO CHAPTER VII

<sup>1</sup> WRS, *Religion*, p. 40 n.

<sup>2</sup> Wellhausen, *Reste*, p. 178, n. 3.

<sup>3</sup> H. W. Robinson in *ERE*, II, 715.

<sup>4</sup> Further Arabian beliefs regarding the blood as the soul are cited by Wellhausen, *Reste*, p. 217; Jacob, *Leben des vorislamischen Bedouinen*, p. 143; *idem*, *Altarabischen Parallelen*, p. 9. So too for the Egyptians, see Trumbull, *Blood Covenant*, p. 99.

<sup>5</sup> Cook in WRS, *Religion*, p. 553.

<sup>6</sup> WRS, *Religion*, pp. 369, 417.

<sup>7</sup> *Travels*, I, 492.

<sup>8</sup> See M. Buttenwieser, *JAO*S, XXXIX–XL, 319; cf. Vincent, *Canaan*,

pp. 189, 194, etc.; Steuernagel-Schumacher, *Tel el Mutesellim*, pp. 17, 54, 158.

<sup>9</sup> Cf. II Sam. 16:5 ff.; for other examples see Buttenwieser, *JPOS*, XXXIX-XL, 319.

<sup>10</sup> Trumbull, *Blood Covenant*, p. 180.

<sup>11</sup> Canaan, *JPOS*, VI, 37, 42.

<sup>12</sup> WRS, *Religion*, p. 40 n.

<sup>13</sup> Canaan, *JPOS*, XI, 195; VI, 49; *idem* in *Morgenland*, XXI, 7, 43; *idem* in *ZDPV*, VII, 110.

<sup>14</sup> WRS, *Religion*, pp. 313, 448, 480, also SAC's note, p. 604; WRS, *Kinship*, pp. 46, 56, 296; Trumbull, *Blood Covenant*, pp. 62, 77; Canaan, *Morgenland*, XXIX, 6; *idem* in *JPOS*, VI, 49; Bertholet, *Kulturgeschichte Israels*, p. 85; Robinson, *ERE*, II, 717; and other literature cited by WRS.

<sup>15</sup> R. A. S. Macalister in *ERE*, VI, 864.

<sup>16</sup> *BS*, XIV, 22.

<sup>17</sup> Jeremias, *OT in the Light of the Ancient East*, II, 147; see also W. H. Ward in *AJA*, I, 34; Macalister in *ERE*, VI, 864; Mader, *op. cit.*, p. 40; Trumbull, *Blood Covenant*, p. 165; Barton in *ERE*, IV, 119; generally see A. Kuenen in *TT*, II, 559. G. F. Moore in *EB*, p. 3183; Stade in *ZAW*, VI, 308 suggest that the Hebrew child-sacrifice came from Babylonia.

<sup>18</sup> *De praeparatione Evangelica*, 1:1, C, 10; 4, C, 16; cf. John 1:29.

<sup>19</sup> Nielsen, *Dreieinige Gott*, p. 284; WRS, *Religion*, p. 361.

<sup>20</sup> Cook, *Relig. of Ancient Palestine*, p. 85, n. 3.

<sup>21</sup> In *EB*, p. 3191. Eissfeldt, *Molek als Opferbegriff*, suggests that originally *molech* was the name for the child-sacrifice, and that later the term was applied to the deity for whom the sacrifice was intended.

<sup>22</sup> *Op. cit.*, p. 85.

<sup>23</sup> Nielsen, *op. cit.*, p. 285; Cook, *Relig. of Ancient Palestine*, p. 82; WRS, *Religion*, p. 376, with SAC's note, p. 632; Lods, *Israel*, p. 99.

<sup>24</sup> For Babylonia and Egypt see Barton in *ERE*, IV, 119.

<sup>25</sup> *MDPV*, 1904, p. 49.

<sup>26</sup> *MDPV*, 1906, p. 8.

<sup>27</sup> *NKZ*, 1905, p. 127.

<sup>28</sup> *PEF*, 1904, p. 17; 1906, p. 64.

<sup>29</sup> Gressman, etc., *Altorient. Texte und Bilder*, II, 231.

<sup>30</sup> *Ibid.*, p. 233.

<sup>31</sup> *Israel*, p. 100.

<sup>32</sup> In *BS*, XIV, 61, 75.

<sup>33</sup> *Religion*, p. 361.

<sup>34</sup> Wellhausen, *Reste*, p. 112; *Ehe*, p. 459.

<sup>35</sup> *JPOS*, VI, 23.

<sup>36</sup> *Prim. Sem. Rel.*, p. 196.

<sup>37</sup> *Ibid.*, p. 197.

<sup>38</sup> *Ibid.*, p. 201.

<sup>39</sup> *Ibid.*, p. 200.

<sup>40</sup> Morgenland, XXI, 38.

<sup>41</sup> *Prim. Sem. Rel.*, p. 167.

<sup>42</sup> Canaan, *JPOS*, XI, 176.

<sup>43</sup> Blackman, *Fellahin*, p. 63.

<sup>44</sup> *Ibid.*, p. 65.

<sup>45</sup> Seligman, *Kababish*, p. 146.

<sup>46</sup> *Ibid.*, p. 147.

<sup>47</sup> In Egypt too the flesh of the threshold covenant is given to the poor; Trumbull, *Threshold Covenant*, p. 7.

<sup>48</sup> Seligman, *Kababish*, p. 153.

<sup>49</sup> Blackman, *Fellahin*, p. 315.

<sup>50</sup> Thomas, *Arabia Felix*, p. 95.

<sup>51</sup> Trumbull, *Threshold Covenant*, p. 3; many more examples are given by Trumbull.

<sup>52</sup> *Ibid.*, p. 58.

<sup>53</sup> *Ibid.*, p. 57.

<sup>54</sup> In *EB*, p. 973.

<sup>55</sup> To be discussed further in next chapter, Blood Revenge.

<sup>56</sup> Morgenstern in *HUCA*, IV, p. 86; cf. *HUCA*, XI, 34. See also Hooke, *Origins*, p. 48.

<sup>57</sup> *Israel*, p. 292.

<sup>58</sup> *KAT*, p. 597; Jeremias, *OT in Light of Ancient East*, II, 48.

<sup>59</sup> Blackman, *Fellahin*, p. 82. Miss Blackman observes that the reason for this ceremony is that a life is thus offered for a life.

<sup>60</sup> Canaan, *JPOS*, VI, 42.

<sup>61</sup> Curtiss, *Prim. Sem. Rel.*, p. 200.

<sup>62</sup> Blackman, *Fellahin*, p. 260. Other examples are given, and Miss Blackman notes that occasionally in scenes of sacrifice in ancient Egyptian festivals the animals are slain as today. In some of these scenes an assistant is shown holding a large bowl, evidently to catch the blood. She asks: "Did the practice of smearing the door with the blood exist in Egypt as far back as the Old Kingdom? The blood was evidently required for some ceremonial purpose; otherwise what need would there have been for the basin?" *Ibid.*, p. 289.

<sup>63</sup> Curtiss, *Prim. Sem. Rel.*, p. 177.

<sup>64</sup> See generally, Morgenstern in *HUCA*, IV, 79; Lods, *Israel*, p. 285; G. F. Moore in *EB*, pp. 3183, 4185, 4192; J. Strahan in *ERE*, VI, 35.

<sup>65</sup> A. Ehrenzweig in *ZAW*, XXXV, 1 regards Cain's slaying of Abel as a foundation sacrifice. But G. B. Gray (*Expositor*, XXI, 61) criticizes the theory. Moreover, Cain was the first-born and not Abel.

<sup>66</sup> *GB*, III, 90.

<sup>67</sup> *Moral Ideas*, I, 464.

<sup>68</sup> In *EB*, p. 4217; Trumbull, *Blood Covenant*, p. 245.

<sup>69</sup> *Religion*, p. 233.

<sup>70</sup> In *JPOS*, VI, 50; cf. I Sam. 14:32-35; Deut. 12:16; Lev. 7:1-6, 14 ff.; 7:27.

<sup>71</sup> WRS, *Religion*, p. 339.

<sup>72</sup> Ibn Hisham, 206, 1:7.

<sup>73</sup> *Religion*, p. 231.

<sup>74</sup> *Religion*, p. 240.

<sup>75</sup> In *JTS*, XXVIII, 388.

<sup>76</sup> Cf. Cook, *ibid.*, p. 382.

<sup>77</sup> *Ibid.*, p. 383.

<sup>78</sup> *Prim. Sem. Rel.*, p. 211.

<sup>79</sup> *Ibid.*, p. 216.

<sup>80</sup> *Ibid.*, p. 208.

<sup>81</sup> *Ibid.*, p. 214.

<sup>82</sup> Canaan in *JPOS*, VI, 46.

<sup>83</sup> *Ibid.*, p. 40.

<sup>84</sup> Burckhardt, *op. cit.*, pp. 107, 113; Westermarck, *Marriage*, II, 504; Curtiss, *op. cit.*, p. 181.

<sup>85</sup> Cf. Curtiss, *op. cit.*; Zimmern, *Beiträge zur Kenntnis der Babyl. Relig.*, pp. 127, 147 (Babylonian parallels); WRS, *Religion*, p. 337, etc.

<sup>86</sup> Canaan in *JPOS*, XIV, 59. Even if the *weli* is not Semitic in origin — cf. Albright in *JAO*, LX, 283 — the beliefs about blood and sacrifice here indicated are Semitic.

<sup>87</sup> GB, I, 130.

<sup>88</sup> *Prim. Sem. Rel.*, p. 75.

<sup>89</sup> Cf. Goldziher, *Muham. Stud.*, p. 231.

<sup>90</sup> H. P. Smith in *ERE*, X, 307.

<sup>91</sup> Curtiss, *op. cit.*, p. 144; Blackman, *op. cit.*, p. 240.

<sup>92</sup> See, e. g., Meek, *Hebrew Origins*, p. 116.

<sup>93</sup> *Religion*, pp. 408, 341, 379; cf. SAC's notes.

<sup>94</sup> *Prim. Sem. Rel.*, p. 231.

<sup>95</sup> Cf. Cook in WRS, *Religion*, p. 611; Frazer, GB, I, 147; Curtiss, *op. cit.*, p. 144. Obviously this sentiment is a later emotionalizing of earlier motives.

<sup>96</sup> For good summaries of representative theories of sacrifice, see Money-Kyrle, *Meaning of Sacrifice*; James, *Origins of Sacrifice*; G. Landtmann in *Essays Presented to C. G. Seligman*, p. 111. More specifically Hebrew discussions are Gray, *Sacrifice in the OT*; Scheftelowitz, *Stellvertretende Huhnopfer*; *idem* in *ZAW*, XXXIX, 113; A. Médebielle in *Biblica*, II, 146; Dussaud, *Sacrifice en Israël et chez les Phéniciens*; *idem*, *Origines cananéennes du sacrifice israélite*; J. A. Kelso in *Expositor*, XXIV, 226; Oesterley, *Sacrifices in Ancient Israel*.

## CHAPTER VIII

# BLOOD REVENGE

In the history of blood vengeance in Israel can be traced the development of social and religious ideas, for so deeply rooted were the motives for blood revenge that this institution had always to be the concern of new legislation. The Arabs today still know blood revenge, and if the refinements of the law do not prove acceptable, the avengers will revert to the simple mode of execution. A death must be expiated and time is no factor. Baldensperger tells of a Bedouin who waited forty years to take his revenge. When he met a relation of the murderer of his kinsman after this time he killed him, but fifteen minutes later he met the murderer himself and was sorry that he had been too hasty.<sup>1</sup> The Arab is always in constant fear of vengeance, for no tribe is without its hereditary blood feud. Even when the government brings the murderer to justice, the Arab sometimes thinks of the judicial execution as a blood feud.<sup>2</sup> Where a case has been settled by government law, the tribe of the murdered may consider the satisfaction inadequate and continue the feud.<sup>3</sup>

There is evidence that blood revenge is a universal custom among all primitive groups, and so intimately connected is it with the social and political structure that an understanding of the institution gives many insights into these cultures. It is even thought

that "among primitive peoples the objects of war are mainly blood revenge and vengeance, rather than booty or territorial gains."<sup>4</sup>

This view is supported by the first complete case of blood revenge in the Old Testament, Judg. 8:4–21. Gideon expressly declares that only the murder of his brothers has been the cause of his attack (v. 19). There are no traces here of a general state of war as outlined in Judges, chapters six and seven (but these chapters are themselves difficult to analyze). It is noteworthy that the enemies are of foreign origin, and the case goes beyond the dimensions of a normal, intra-people blood vengeance (the figures in v. 10 however are of course fantastic). Note that it is Gideon, the brother of the murdered, who is the avenger. While the whole tribe accompanies Gideon — three hundred men — (they are probably identified with his family אבִיאזֶר, Abiezer, so 8:2) they leave the execution to the nearest relative.

Another similar case is recounted in Judg. 19 and 20, but here vengeance rather than blood revenge is the problem; it was not the Levite's concubine but the Levite who was being avenged. The duty of hospitality had been transgressed.<sup>5</sup>

Nor is the vengeance for the Gibeonites of II Sam. 21 a true case of blood revenge. Saul, in his "zeal for Israel and Judah" executed some Gibeonites, descendants of the autochthonous Canaanites. Since the Gibeonites could not help themselves, they pronounced a curse which called up famine and calamity on the country. David then permitted the Gib-

eonites to kill seven descendants of Saul. Here more is in question than homicide; this is a religious crime, for the Israelites had sworn a covenant with the Gibeonites (v. 2). Yahweh therefore through his oracle indicates the consequences.<sup>6</sup>

The blood revenge of Asahel's death is interesting (II Sam. 2:12-23). Here the brother, Joab, is the avenger (3:30), as Abner indeed expected him to be (2:22), but the other brother Abishai must have supported him (3:30). This case involves the question of whether blood revenge follows death inflicted in battle. Among the Arabs blood revenge did follow. Audacious fighters would call out during a clash, "I am so and so" for the purpose of blood revenge.<sup>7</sup> Burckhardt explains that "the dreaded effects of blood revenge prevent many sanguinary conflicts; thus two tribes may be at war for a whole year without the loss of more than thirty or forty men on each side."<sup>8</sup> Gideon certainly pronounced his own name when attacking (Judg. 7:20), and it seems that Joab thought himself quite justified in killing Abner, and Abner himself realized this by the warning of II Sam. 2:22. David however called it a crime against Yahweh, and said Joab had taken revenge in the midst of peace for blood shed in war (I Kings 2:5, cf. Septuagint). It is striking that David in the same situation did not take blood revenge: when Joab killed Absalom in battle. It will be shown that David did much to abolish blood revenge except when it served his own ends.

Closely related to the case cited is the blood

revenge for Abner. David resolved that Joab should die, as II Sam. 3:29, 39; I Kings 2:5 f., 28 ff., testify. David, through his son Solomon, was not actually a blood avenger, because Abner was not related to him. Here again the laws of hospitality had been broken, for it is clearly pointed out that Abner had eaten a meal with him (II Sam. 3:20). But Joab was the object of blood revenge for his participation in the death of Amasa, for Amasa belonged to David's family (II Sam. 19:14).

Even assuming the historicity of the account of II Chron. 24:20 ff., the "blood revenge" for Zechariah, the son of Jehoiada, this also is not a true case. It is difficult to see why the two blood avengers have undertaken the vengeance, since they are hardly related to Zechariah — for they both have foreign mothers with whom the priestly group to which Zechariah belonged could not have married. If the incident is a real one, political considerations constituted the motive.

A case of blood revenge according to law is that of Joash, II Kings 14:5–6. When Amaziah, son of Joash, ascended the throne, he killed his father's murderers, but spared their children, "according to that which is written in the book of the law of Moses."

Here we have a three-linked chain: Zechariah = Joash = Jozacar (or Zabad) and Jehozabad. Similar is that of Asahel = Abner<sup>9</sup> = Joab and that of Naboth = Ahab (through his son Joram, II Kings 9:24 ff.) = Jehu (after the culmination pictured by Hosea, 1:4).

We notice that usually only the murderer is the object of revenge (Zebah and Zalmunna, Abner, Joab, Joash), and that the women are not objects of blood revenge. The vengeance seems to have been obligatory upon the nearest relative. When Gideon wished his son to act as deputy for him, he was rebuked by the Midianite chieftains. The phrase employed by them is, כִּי כָאֵשׁ נְבֹרַתְּךָ, Judg. 8:21, appears to be a formula, but its meaning is uncertain. Robertson Smith reports Nilus as saying that the Saracens (Arabs) employed boys to slay captives,<sup>10</sup> but captives are not those blood-guilty.<sup>11</sup>

Animals too can be the subject or object of blood revenge. The ancient Arabs thought that certain animals practice blood revenge, e. g., the snake.<sup>12</sup> The animal is positively responsible for its actions, and must bear its blood guiltiness (Lev. 20:16). The goring ox falls under the general law of revenge (Exod. 21:28 ff.).<sup>13</sup> In the late Gen. 9:5 this idea is clear. Not only the context but also the words דָּרְשָׁנָה הַרְמָה make it clear that Yahweh regards the slaying of a man by an animal as a punishable crime. With the animal's guilt comes the secondary consideration, that the owner of the animal is also liable to blood revenge. Exod. 21:28 curtails the responsibility, but indicates that once such responsibility was the rule.

Indeed it is highly probable that the Hebrews once possessed a much more complete series of laws governing blood guiltiness, of which the extant material is only a fragment.<sup>14</sup>

A kinship society tends to produce blood vengeance, and blood vengeance tends to strengthen the kinship society. As the concept of the group enlarged in Israel, blood vengeance decreased.

Writing of the ancient Arabs, Wellhausen says:

The gravest and most important crime is bloodshed. Intent or accident, war or peace are immaterial — the natural and prime result is blood revenge. This devolves first upon the next of kin, and enlarges itself when the clan of the murderer does not surrender him, but takes his side. Then naturally the entire clan of the murdered one aids the avenger against the hostile clan. Thereupon arises a condition of war between the two clans, which vents itself in mass murder whenever the opportunity presents itself — often extending over a long period of time. Every member of the clan is reckoned an accomplice, and assists each other in war, and is without distinction attacked by the avenger. Every new death is the occasion of a new vengeance, and vengeance engenders vengeance without end. So there evolves from blood revenge, blood feud between the clans.<sup>15</sup>

That this was true in Israel can be seen from the narrative of Jacob and the Shechemites (Gen. 34:30), from the fact that seven sons of Saul were delivered to the men of Gibeah, from David's declaration that Joab and all his house were liable for Abner's death (II Sam. 3:29), and from the legislation to make punishment individualistic, as we shall see. Only the slaves and the women were quite safe from retaliation.<sup>16</sup>

It is only when the Bedouins have lost their desert loyalties that they will disclaim their respon-

sibility for the tribesman who has committed homicide.<sup>17</sup> Even where the tribe might refuse to recognize any further liability in cases of theft, should murder occur, the tribesman would receive the support of his tribe in the usual way.<sup>18</sup> Even the story mentioned by Jaussen of a modern Bedouin who repudiated his family in order to protect them from his own blood guiltiness, is exceptional.<sup>19</sup>

Blood vengeance naturally tends to strengthen the kinship society inasmuch as the communal nature of the blood feud carries with it the corollary that one unprotected by ties of family or clan may be injured or killed unless he has received artificial kinship by some form of blood covenant, or unless he is a guest of his tribal host. The stranger is killed with impunity and without any sense of wrongdoing by the Bedouin.<sup>20</sup>

Robertson Smith offers as a definition: "A kindred group is a group within which there is no blood feud."<sup>21</sup> To avoid blood feud, weaker Arabian tribes sometimes post a permanent representative in another tribe as a form of fictive kinship, or they marry into the tribe.<sup>22</sup> It is however not always true that the blood feud cannot extend to members of the same tribe or clan. The duty of vengeance is more strongly founded than the duty to the tribe, particularly when the tribe has enlarged to consist of more than one family. Blood revenge within the Arab clan is possible, but this is theoretical and does not actually occur.<sup>23</sup> There seems to be no actual case in the Old Testament where a blood feud is conducted against

one's own tribesman, although there may be a feud between kindred tribes, as Israel against Benjamin in Judg. 20:12 ff. (especially, vv. 23, 28). Somewhat related are the betrayal of Samson, the Danite, by the men of Judah (Judg. 15:12 f.), and the murder of Ahab's sons by their own countrymen (II Kings 10:1-8).

Robertson Smith tells of fraternal wars, as between the Aus and the Khazraj, who came to fight *à outrance*, but would not pursue the fugitives beyond the nearest homestead.<sup>24</sup> This may be paralleled by the attack made by Abimelech against Gaal and his family at Shechem, but only to the gates of the city (Judg. 9:40 f., 44) which was likewise Abimelech's home (8:31). Abner rebukes Joab for fighting his clansmen (II Sam. 2:26), but they fight nevertheless (3:6). Burckhardt reports that blood revenge is never practiced against a kinsman, but that the bloodwit is immediately substituted.<sup>25</sup>

While there are a number of fratricides recorded in the Old Testament, blood revenge is never exacted; the guilty party is banished. The tendency is to overlook the fraternal crime. When Tamar appealed to Absalom for vengeance, he was first disposed to quiet her, for "he is thy brother," and David did not punish Amnon's crime (II Sam. 13:20 f.). Absalom felt finally that he must punish Amnon. But there was no question of revenge against Absalom, for his brothers who might have been expected to act as the avengers fled from his presence (13:29).

In the parable of the woman of Tekoa relating to

this problem (II Sam. 14), it appears that the desire of her family to kill her son was prompted almost entirely by their greed to possess her property (v.7). Their claim is only a pretense, for the woman did not ask David what the penalty might be for the fratricide, but assumed that the avaricious family was in the wrong in demanding vengeance. Both the woman's imaginary son and Absalom were pardoned by David.

So it appears that banishment only was the usual punishment for fratricide, as among the Arabs.<sup>26</sup> The Hebrews probably had a formula of expulsion, as did the Arabs, and it might have been the alliterative נָגֵד תַּהֲיוּ בָּאָרֶץ (Gen. 4:12). The banished son was barred from the family cult, could not visit the tribal shrine, and even more grievous, he lost the protection of his family (Gen. 4:14; II Sam. 14:14). Gen. 27:41 ff. can best be understood to mean that Rebekah feared that if Esau killed Jacob he would have to flee. In order to gain protection, the banished brother either sought the protection of a notable (cf. II Sam. 13:37) or a sanctuary, or he joined other outlaws, and thus there grew up such bands as Abimelech and Jephthah had about them (Judg. 9:4; 11:3).<sup>27</sup>

The avenger is usually the son (Solomon, Amaziah) or the brother (Gideon, Joab); but he is always the nearest of kin. The order of succession is: son, brother, father's brother, son of father's brother, etc. (Lev. 25:48 f.; Num. 27:10 f.). If the nearest fails, the next takes his place. During the sedition,

Zimri exterminated the whole of the house of Baasa; he left him no kinsman and no avenger (I Kings 16:11); Zimri had no longer to fear blood revenge. He died as a suicide when a political adventurer, Omri, gained control of Israel.

Understanding that Yahweh is considered a blood relation, we can see why he is also a *go'el*. It is Yahweh who promises Cain protection (Gen. 4:15); who brings vengeance to Abimelech (Judg. 9:23 ff., 56 f.); who avenges murder (Gen. 9:5) and "innocent blood" (II Kings 24:4); who avenges his servants the prophets (II Kings 9:7, 26); who will avenge Job (19:25);<sup>28</sup> who brings famine to David's reign because of Saul's attack on the Gibeonites — Saul's house is called "a bloody house" (II Sam. 21:1 f.).

In later times Yahweh as a rule is no longer the *go'el* of the individual, but of the *murdered* nation; the use of Yahweh as an avenger now is no longer anthropomorphic, but is an archaic or poetic figure. The hope remained that sooner or later Yahweh would avenge Israel.<sup>29</sup> In the pseudepigrapha the figure is often used and fantastically elaborated. God has an army of angels of revenge (Enoch 62:11; cf. Ps. 35:5; 59:6; Job 18:11) and he has an arsenal of weapons for vengeance (Jubil. 39:30). But in these later times the actual terminology of blood vengeance is avoided. To the Moslem, the word *weli* corresponds to *go'el*. Thus "God is the patron of those who believe" (Sura 2:258) or "of believers" (3:61). The taking of patrons besides God is strongly condemned. In the Arabic version, Job appeals to

God as his *weli* to be his avenger, and Ruth confides in Boaz as her *weli* (Job 19:25; Ruth 3:12).

In Chapter IV, it was noted that the transition to a settled mode of life brought about the disintegration of the tribal and family organization, and the territorial organization took its place. Families that lived in a common district compacted fellowships of many kinds: village and city allegiances, clans, territorial tribes, etc. But these fellowships were often based on the fiction of blood relationship. Internally, however, there was no real unity, and the demands of blood revenge were therefore lessened. "Whenever a central authority has been established among the nomads one of its first attempts has been either to mitigate the excesses of the system (blood revenge) or to do away with it altogether."<sup>30</sup>

With the growth of culture, various influences regulated and controlled the system. Some of the more important factors were:

1. asylum and protection given by a stronger group to the fleeing murderer;
2. the asylum and protection offered by a sanctuary;
3. payment in money or in kind;
4. a developing ethical sense; and
5. intervention by the state — at first determining the limits of punishment to be exacted by the avenger, and later acting as both judge and executor.

It would not be too much to claim that Yahwism modified the ancient system even beyond the natural

consequences of settled life. Early, murder was adjudged wrong only when the accused was within the family or when it brought grievous consequences in its wake. Judg. 9:56 characterizes Abimelech's fratricide as "wickedness which he did unto his father." Gen. 37:27, "for he is our brother," implies that murder would be no crime if perpetrated outside the family. In Gen. 34:30, Jacob did not condemn the crime against the Shechemites, but was fearful only of its consequences. This comports with Bedouin psychology. But Yahwism made murder a religious crime, and thus brought it within the category of a judicial punishment. The few cases of judicial punishment in the historical books of the Old Testament are religious crimes against Yahweh: blasphemy (I Kings 21), slander of the temple (Jer. 26), theft of divine property (Josh. 7), breaking a vow (II Sam. 21). Murder too became a religious crime. Exod. 20:13, "Thou shalt not kill," was an edict of Yahweh. II Sam. 3:28 condemns the murderer as "guilty before Yahweh"; so also I Kings 21:17 ff. When David desired to kill Nabal (I Sam. 25), Abigail cautioned him that such a deed would make him guilty of blood (v. 26) and would adversely affect his community (v. 31); David agrees (v. 33).

Thus, Yahwism was making murder a religious crime, but at first it was not a crime of such prime importance that Yahweh became in consequence angry with the community. II Sam. 21 is not considered simply as homicide; violation of an oath to Yahweh is also involved. But since Yahweh took

an interest in the problem of homicide, he demanded blood revenge as a religious duty, and made certain conditions in regard to it.

He who prevented or disregarded blood revenge committed a sin against Yahweh. The woman of Tekoa (II Sam. 14) knew that disregard of blood revenge was an "iniquity" (v.9) and she offered to bear Yahweh's wrath, i. e., any consequent punishment, herself. David also fears Yahweh's wrath because he protected a manslayer (I Kings 2:5 ff.). Jehu wished to designate his revolt as a Yahweh-demanded duty of blood revenge (II Kings 9:25 ff.). Indeed Yahweh himself acted as a *go'el* when the offended group was too weak or when the soul of the murdered individual had no mortal avenger.

But early Yahwism did not take murder out of the class of private crimes and subject it to juridical decision. The murderer could only circumvent the zeal of the avenger by flight or by private treaty.

Protection could be vouchsafed by strong individuals or tribes. For example, the woman of Tekoa sought the king for protection for her son; the king was probably not appealed to as a monarch who is also the supreme magistrate — for his power in Israel was yet weak — but as a strong chieftain. As with the king, so with the captain of the host (II Kings 4:13). Moses fled to the priest Reuel in Midian (Exod. 2:15 ff.). Asylum was not always granted, as can be seen from the betrayal of David by the inhabitants of Ziph (I Sam. 23:19 f.). Woe unto those who were not themselves strong enough to offer

asylum, for when they allied themselves with the murderer they were resisting the avenger. For this reason the house of Ahimelech was destroyed by Saul (I Sam. 22:16 ff.),<sup>31</sup> but the inhabitants of Keilah who abjured their responsibility (I Sam. 23:12) were spared (v. 13).

Burckhardt tells of exiles and their families who have been fugitives from one tribe to another for more than fifty years; and it frequently happens that, during the life of the son and the grandson of the person killed, no compromise is ever reached.<sup>32</sup> An amusing conversation with a group of Bedouins is reported by Thomas:

"But have you no sanctuary (in England)?" they asked him.

"No, our sheikh is strong, and no one would dare to give a murderer sanctuary."

"But with us," a Bedouin responded, "sanctuary is honoured, unless there is a shame in the murder, but 'who would withhold sanctuary from one who has killed his enemy?'"

Chorus of Bedouins: "Yes, by God!"<sup>33</sup>

Besides the protection of a sheikh is the asylum offered by a sanctuary. Thus Adonijah (I Kings 1:50) and Joab (I Kings 2:28) have recourse to the Jerusalem Temple. The touching of the horns seems to have given greater security.<sup>34</sup>

Robertson Smith argues that the consecration of persons by holy objects is only temporary,<sup>35</sup> but in the nature of things the fugitive would not remain too long in the sanctuary. Possibly at the Jerusalem

Temple, the asylum extended beyond the Temple building to include the priests' dwellings, but in the accounts we find the refugees holding on to the horns of the altar for dear life. Not seldom did it occur that the anger of the pursuer disregarded the holiness of the altar, as in the case of Joab (I Kings 2:29), but the timidity of Benaiah and his demand of Joab to leave the shrine show he realized the danger; only the leniency of Solomon's historian prevents a sharp judgment of the act.

While protection inhibited blood revenge, the spreading practice of bloodwit altered its character. The Book of the Covenant makes distinctions in the degree of gravity of homicidal crimes. Thus the *mishpat* regarding the killing of a thief at night indicates a conception of justifiable homicide (Exod. 22:1); the *mishpatim* concerning the goring ox (Exod. 21:28 ff.) indicate the owner's responsibility. Also differentiation in the values of various individuals is seen in the laws regarding diverse punishments for the killing of a slave or a freeman, a foetus or a child; the distinctions were of course crude. For all special cases the payment of bloodwit appears as a surrogate for blood revenge. The *mishpatim* recognize payment as customary in cases of death, caused by negligence, to low-valued objects, viz., a slave or a foetus, and as possible in cases of death, caused by negligence, to high-valued objects, viz., gored freeman. It was not a complete system because only the exact price of a slave who had been gored is given (21:32). Now it is most important to observe

that the negligent killer (i. e., the owner of the ox) can *redeem himself* by giving a ransom for his life, whatsoever is laid upon him (v. 30). II Sam. 21:3 ff. by the answer of the Gibeonites shows that the money that was paid as bloodwit did not compose a *retributive* system, but a *redemptive* system (cf. also I Sam. 12:3; Isa. 43:3; Ps. 49:8; Prov. 6:35; Exod. 30:12; Prov. 21:18; Num. 8:19; 31:50; etc.). Later, in Num. 35:31, it was forbidden to take a ransom for the life of a murderer. What was meant by bloodwit among the Hebrews was not repayment of the material worth of the slain, but the redemption of the slayer!

Now it is very difficult to decide whether the recompense or the redemption system prevailed among the early Bedouins. Certainly today the money is recompense principally.<sup>36</sup>

Even this relatively primitive evolution was of a gradual nature. Morgenstern very well notes that the beginnings of a change in the attitude toward simple revenge may be assigned to the time of David, and in all likelihood to that very monarch himself.<sup>37</sup> But David, while finding it necessary for the sake of a unified kingdom to curtail blood revenge, when he thought it necessary for his success, did not hesitate to practice it himself. When he heard that Saul and his house had been killed at Mount Gilboa, he sought to pose as Saul's avenger and so put to death the Amalekite who confessed the killing (II Sam. 1:14 ff.). Thus he gained favor with the northern tribes. He likewise charged Solomon to kill

Joab, ostensibly for having killed Abner and Amasa, but probably for the slaying of Absalom and for his influence in the court (I Kings 2:5 ff.). David likewise permitted the Gibeonites to exact vengeance on the family of Saul (II Sam. 21:1-6), although somewhat against his will and as a matter of expediency. But, when it met his purpose, David made peace with Abner, the slayer of Asahel, though the duty of blood revenge was incumbent upon him, for David was related to Asahel (I Chron. 2:15 ff.). Also in the case of the woman of Tekoa he decided against blood revenge, although in this instance — brother against brother — the issue was already clear. Most important was the attitude of David at the very beginning of his reign as put into the mouth of Abigail (I Sam. 25:31). He restrained his first impulse to slay Nabal, which act would have started a blood feud. His moderation might very well have been explained later in the form of a parable illustrating the futility of blood revenge. David's first tempering of the harshness of blood revenge was of great importance and is in consonance with David's strategy in many other regards.

But blood revenge had still to be modified. Yahwism could not tolerate bloodwit, especially because of the anti-Yahwistic motives which underlay the shedding of blood by the avenger or his acceptance of redemption money. These motives will be considered shortly. Num. 35:31 shows us however that *P* had a customary practice in mind; as among the Bedouins today, bloodwit must have been the

recognized form of settlement, and probably even degenerated into mere material compensation. The rather obscure I Kings 20:35 ff. sheds some light in this regard. The prophet had himself injured by his fellow, for what purpose is not clear — either to simulate the wounds of battle or to gain a grievance against the king. In the parable told by the prophet to Ahab, the value of the prisoner whom he allowed to escape was either to be his life or a talent of silver (v. 39). While this is not precisely a case of blood revenge, the blood revenge formula is used, "thy life for his life," נפש תחת נפש (cf. Exod. 21:23), but there is no mention of redemption. This is only material, retributive justice, as can be further seen from the prophet's subsequent statement to the king (v. 42).

The Prophetic and nomistic movements, developing from early Yahwism, suggested a state in which communal and social problems would be the concern of the theocracy. But this demanded a unity in which all smaller groups would lose their separate characteristics under the unity of Yahweh. So Deuteronomy attempts to regulate the cults and provide a unity of worship (Deut. 12:8). At the same time many social crimes, which had formerly been considered crimes of a private nature, were now declared to be grave sins against Yahweh, since they violated his relation to the community, and must therefore be juridically punished, e. g., kidnapping (24:7), insubordination toward parents (21:18 ff.), and crimes against decency (22:13 ff.).

There is little doubt that Deuteronomy is post-Exilic and largely theoretical, but it is not necessary to pursue this tangential problem here. Moreover, Deuteronomy is probably in a more or less fragmentary state as we have it, but its attitude toward homicide can be indirectly ascertained from two sections which really concern cult-reform, but which incidentally brush the problem with which we are concerned: 19:1-13, legislation dealing with the asylum cities, and 21:1-9, the purification ceremonies incident to the discovery of someone murdered by a person or persons unknown.

Deuteronomy no longer regards homicide as a purely private matter, but as a social crime, by which the entire religious community is affected, and which concerns its relations to the deity. 19:10 warns the entire people that murder must not be permitted within the land, lest the blood be upon them. Indeed the guilt of a murder fell upon the entire people, and they all required expiation (21:8).

In this phase of development, the entire people were obligated to punish murder (19:13; 21:9). It is to be observed that the actual act of retribution is performed by the nearest relative of the slain, the *go'el*. But the *go'el* was no longer able to act as a private free agent. The initiative was taken from him and given to the people. Moreover, bloodwit was denied: 19:13, "Thine eye shall not pity him." If the murderer wished to escape punishment by flight, the community (here represented by the elders) came forward and insisted on strict execu-

tion (19:11 f.). Finally, as a last measure which robbed the blood punishment of its private character and forbade the *go'el* to take justice in his own hands, and which not only was directed at homicide cases but had the widest significance, was the strict retribution to the individual; the relatives were now exempt from retaliation. No doubt the practice of retribution to the guilty individual had long been the case, but the traditions of family responsibility and solidarity had so persisted that it is specifically pointed out in II Kings 14:5 f. that Amaziah did not kill the sons of the murderers of his father (II Kings 14:6 is possibly Deuteronomic redaction). The solidarity of the entire religious community overshadowed now the solidarity of the family.<sup>38</sup>

Originally there was no distinction between murder and justifiable homicide. The Book of the Covenant provided a redemption escape for the justifiable homicide. This represented an early solution to the problem of free will and determinism, which was met by the early codes as by the later: man is responsible in some measure for his actions, although Yahweh has inspired them (Exod. 4:21; I Sam. 2:25; II Sam. 24:1). Exod. 21:13 f. is clearly Deuteronomic or at least pre-Deuteronomic, and is not of the early Code of the Covenant.<sup>39</sup> This oldest *D* legislation makes a very crude distinction between intentional and Yahweh-inspired crimes. The later Deut. 19:4 ff. which distinguishes between intentional (vv. 11 ff.) and unpremeditated (4 f.) homicide only marks the two extremes; how it differen-

tiates the more subtle distinctions is not specified. Deuteronomy could not consider these cases of unpremeditated slaying as crimes; this would be contrary to its idea of deity and its humanitarianism, and such cases therefore did not warrant punishment. On the other hand, *D* could not accept redemption, since this was a private treaty, and redemption asks the question: "redemption from whom?" It will soon be seen that earlier it was the dead person who was conceived as demanding this redemption, and this presented ideas which were decidedly repugnant to *D*. Thus *D* was faced with a dilemma. It must be kept in mind that yet at this time the family of the slain was vengeance-bent even for unintentional homicide (19:6), and wished to take matters into its own hands.

The only way out of the quandary was to resort to the old right of asylum. The intentional murderer was denied the asylum — it was reserved for the protection of the justifiable homicide. That Deuteronomy (19:3) gives explicit directions to aid the escaping killer shows that the asylum was not intended as a punishment, but rather as a refuge based on humanitarian principles. First, Deuteronomy designated the central sanctuary at Jerusalem. This comports with the older section, Exod. 21:13 f., where only one spot and altar are mentioned. But this was sensed to be unsuitable. First of all, the central sanctuary was too difficult for all to reach (Deut. 19:6); it might have seemed unfitting to assemble all slayers to one place, and particularly

to the sanctuary which must be so punctilious about ritual purity. This latter consideration was a very important one for the developed *D*; and in the later legislation, Jerusalem is not included in the cities of refuge. In Deut. 19:2 three cities are provided, but their names are not mentioned. There is no indication that these three cities were old shrines, for the Deuteronomic asylums have lost their earlier characteristic as special sacred spots, and have become now simply institutions for justice. It seems moreover that the slayer spent the rest of his life in the city of refuge, according to the plan of Deuteronomy. Although one senses a certain harshness in this, the slayer was indeed protected from vindictive assault. Later, the number of cities was increased to six (Deut. 19:8-10; Num. 35:13; Josh. 20:7 f.).

Deut. 19:8-10 appears to be the transition from *D* to *P*. *P* itself adds little to the Deuteronomic legislation, except insofar as it makes a rather unsuccessful attempt to sharpen the distinction between intentional and unintentional homicide. In addition, *P* tries to separate the slayer from the community, while *D* is prompted in its legislation principally by humanitarian motives. *P* categorizes the degree of the murder by the kind of weapon employed (iron, wood, or stone) and the use of these more dangerous weapons indicates the responsibility of the slayer (Num. 35:16-18). The method of the attack also defines the responsibility (35:20 f.), as does the attitude of the slayer at the time of the attack (vv. 20 f.). The whole idea of these laws is to arrive at the state

of mind of the slayer, but the attempt is crude and not definite. No mention is made of other cases, like slaying in self-defense, during drunkenness, etc., which were left to the Talmud to develop (*Sanhedrin* 9a, b). *P* really keeps the slayer in penal servitude with the chance of amnesty at the high priest's death. Num. 35:26 ff. specifies that the murderer can be killed if he leaves the asylum; and v. 32 specifically denies redemption.

*P* of course is mainly interested in making Israel an impeccable cult community, but it is even more theoretical than *D*. The family has given way now to the religious community, the *nby*. It is true that in its narrative portions *P* recognizes an organization of the community in tribes and families, but this is purely retrospective, and has no unity with its regulations. Apart from the meager reference of Num. 11:16 f., *P* has nothing to say about the executive arm of the legislation. Occasionally *P* seems to feel this lack, and gives a number of vague decrees of punishment, which carry the formula, "that soul shall be cut off from his people" (Gen. 17:14; Exod. 12:15; Lev. 7:20; etc.). This might refer to death (Exod. 31:14), but the severity of the laws and the concomitant vagueness show that *P*, like *D* in the same regard, is not overly concerned with the carrying out of its legislative proposals.

*P* also considers homicide a crime against the deity. Thus Gen. 9:5, "And surely your blood of your lives will I require." 9:6 limits vengeance to the murderer only: "Whoso sheddeth man's blood, by man shall

his blood be shed." This is judicial punishment rather than private retaliation. Num. 35 considers murder in the category of a cult pollution. The blood carries the contagion of uncleanness to the land (35:33). The earth cannot bear shed blood (Gen. 4:11); it is the whole people and not the individual that is concerned with the problem of homicide. It is true that as in *D*, so in *P*, the *go'el* is permitted to slay the murderer; but the *go'el* is now the instrument of the community, without private initiative, as can be seen from the impersonal formula: "he shall surely be put to death" (Lev. 24:17; Num. 35:16-18; cf. Exod. 21:12).

Since *P* is concerned primarily with the cult problem, it finds it difficult to distinguish between pre-meditated and accidental homicide. The harsh formulations of Lev. 24:17; Gen. 9:6 and possibly Exod. 21:12 (assuming this is *P*) do not consider accidental death as completely pardonable, and Num. 31:19 and I Chron. 22:8 (28:3) show that the shedding of blood, even justifiably, was regarded as a ritual sin. Again, in contradistinction to *D* which is pleased when the justifiable slayer is able to reach an asylum, *P* gains satisfaction only when the fugitive is executed (Num. 35:26 f.). To *D*, asylum is a benevolence; to *P*, a punishment.

Of course *P* is pure theory. Deuteronomy (19:11 f.) has the elders of the city take the slayer out of the city to which he has fled, to give him up to the *go'el*. The fault of this plan is that the slayer has no hearing to present his case. *P* felt this obvious difficulty

and provided the '*edah* (Num. 35:24 f.) to judge, and required at least two witnesses to condemn (v. 30). But what was the '*edah*? There is no concrete case in which it ever functioned as a court; note how *P* in Judg. 20:1; 21:10, 13 carelessly allows the '*edah* to act as an administrative body. Josh. 20:1-9 adds a new factor: the elders of the city of refuge conduct a pre-hearing; and if they are not convinced of the slayer's legal innocence they give him to the *go'el*. This of course is an attempt to clear up the *D* difficulty of determining the guilt or innocence of the fugitive. The attempt is clumsy, and *P* has, in all, three variants for judging the fleeing slayer. This is enough to prove the hypothetical character of the legislation. Moreover, N. M. Nicolski has shown that *P*'s asylums were only theoretical.<sup>40</sup>

The three East-Jordan cities of *P*, Ramoth, Golan and Bezer no longer existed in post-Exilic times; besides the last two are never otherwise mentioned in the Old Testament. The region to which Bezer was supposed to belong, moreover, was probably taken over by the Moabites before the Monarchy, and so no longer belonged to Israel. The other three cities did exist in post-Exilic times, but Hebron belonged to the Idumeans until the Maccabean period (I Macc. 5:65 f.); Shechem was the capitol of the Samaritans;<sup>41</sup> Kedesh until the revolt of 66-70 belonged to Tyre.<sup>42</sup>

It is barely possible on the other hand that these cities were shrines in the period of the Judges and the early Monarchy, when they did serve as sanc-

tuaries for the manslayer, and that *P* simply revived an old tradition.<sup>43</sup>

*P*'s legislation was apparently never realized in practice, for the later literature bewails the unpunished murder of the just (Ps. 94:6; 37:32; 59:3; Prov. 1:10-16; 29:10; etc.). However, the ethical ideas of Israel's religious geniuses continued to sharpen. Earlier it had been assumed that every Israelite could ask Yahweh for vengeance when he had none other to be his *go'el*. Now vengeance was granted only to the righteous individuals to whom God would appear as a *go'el* (Ps. 9:13; 58:11; 94:1, 23). If God did not appear it was because of some latent impiety (Job 19:25).

We have now finally to consider the motives which prompted blood revenge. The institution cannot be altogether reduced to one or two factors, for the desire for blood revenge rested on a number of deeply rooted impulses whose strong demands combined to make the principle so difficult to temper during the course of time.

Simple passion was a strong incentive, and this psychological motive is found in the earliest literary period (Judg. 16:28), during the time of the Prophets (e. g., Isa. 1:24), and in the post-Exilic period (e. g., Ps. 58:11). It is understandable that among uncontrolled individuals the desire for vengeance might not be stilled until a like or a greater act of violence was consummated. The song of Lamech (Gen. 4:23 f.) instances the threat of the Kenite to avenge himself upon the young as well as the mature. Such pas-

sionate songs of defiance are in great favor among present-day Arabs.<sup>44</sup> Deut. 19:6 instituted precautions to protect the manslayer from the passion of a relative of the slain who might be incited to kill in retaliation. Num. 35:26 ff. indicates that the avenger in order to fulfill his desire would often lurk about the asylum in the hope that he might be able to attack the manslayer, *ipso facto* his enemy. These examples show that the Israelites, like other Semites, would use extreme methods to discharge blood revenge. The Arab will wait for years, often using ingenious methods to gain access to the slayer; sometimes in retaliation he will kill three or four persons to assuage his fury.<sup>45</sup> The vengeance of Joab who treacherously slew Abner (II Sam. 3:26 ff.) shows how even the most sacred sanctions (of hospitality, of the king's wrath, of the community's welfare) were transgressed to bring about the desired end.<sup>46</sup> As among the Arabs, when blood revenge was taken, the execution was often accompanied with tortures.<sup>47</sup> When Judah and Simeon cut off the thumbs and big toes of Adoni-bezek in what appears to be blood revenge, we get a hint of the cruelties. Similar was the reprisal made to Agag (I Sam. 15:33).

More important is the material loss involved in the death of a member of the family or tribe, which has to be compensated by a corresponding loss in the hostile group. This loss may be replaced by having members of the offending group come into the tribe or family to fill the place of the murdered person. This however is seldom practiced even

among the Arabs.<sup>48</sup> Usually the hostile group is made poorer by corresponding losses. "Bedouin law which is based on the tribal or collective idea, consists simply in retribution and restitution. Bedouin law knows no punishments *qua* punishments: it is solely concerned with the retribution and restitution of 'an eye for an eye and a tooth for a tooth,' whose eye or whose tooth being immaterial to the principles involved. In actual practice the personal element cannot be ignored, the restitution to be made being demanded from the aggressor himself if possible, or failing that, from his next of kin."<sup>49</sup>

The *go'el* too is sometimes considered to be the one who brings back property (cf. Lev. 27:13; Num. 5:6 ff.).<sup>50</sup>

The numinous motive is however the chief compulsion for blood revenge. In this connection may be mentioned the common practice of consulting the oracle before beginning blood revenge in order to assure divine co-operation. In pursuing blood revenge, the same abstentions are observed as in other divine undertakings.<sup>51</sup>

As already indicated in a previous chapter, the spirit of the dead member of the family, who is usually thought of as the friendly genius of the household, can become a bitter enemy if his untimely death is not avenged by the shedding of blood to him. Thus the first act of the family of the slain Arab is to assemble at the tomb and say, "You must sleep, but we must take revenge for you on the enemy; your bed is silken — sleep and fear not."<sup>52</sup>

'Abdallah, when his day of death came,  
 Sent his kinsmen word:  
 Accept no blood money from them for my murder,  
 Accept neither foals nor calves from them  
 That I may not be left in a dark house on Sa'da.<sup>53</sup>

When the body remains unburied and the soul cannot find peace, the dead is to be feared most. It is thought by the Palestinians that a spectre of the dead person appears nightly at the spot of the murder and repeats the last words of the slain.<sup>54</sup> Abel's blood cried to God for vengeance (Gen. 4:10); the blood is so closely joined to the soul that the ideas of נֶדֶר and נְפָשׁוּ are interchangeable (Lev. 17:11; Deut. 12:23; etc.). The crying blood of Abel was the soul contained in the blood. What is meant by "crying"? Certainly, as can be seen from the verb, it is a call for help and of pain, and is a plea for revenge (cf. Job 16:18). The Arabic parallels are enlightening. According to popular superstition, a bird mounts the head of the slain and calls, "Give me to drink!" G. Jacob supposes that the soul is thirsty,<sup>55</sup> but this does not explain why the bird is found only with those who have suffered a violent death. The meaning must be that the slain person in order to gain peace and life in the grave is calling for the blood of the murderer to drink. (In this sense, see Enoch 22:7.) The cry is directed to those who can avenge his death, i. e., his relatives.

Usually it was the kin group that was called to vengeance, and it was an act of piety to give the soul of the dead strength and rest. Besides, serious

harm followed unrequited murder; famine came to the land for Abel's death (Gen. 4:12) and for the Gibeonites (II Sam. 21). Deut. 19:10 wishes to avoid the contamination of the land by blood; Korah and his band went down alive into the pit (Num. 36:13); and other instances show the fear of the contaminating blood (cf. Deut. 21:1-9).

Blood revenge ensues when the blood has touched the ground, because the soul has been scattered and will not again be whole and in peace until some other blood comes to make it up.<sup>56</sup> Thus Solomon commanded that Joab should be killed and buried "that thou mayest take away the blood which Joab shed without cause." Joab's blood was going to balance the losses he had caused.

Both the murderer and the avenger are interested in quieting the crying of the blood. The best way for the murderer to keep the soul of the dead from pursuing him is quickly to cover the blood with earth and so bury the soul. It is thus locked in the improvised grave and cannot cry out.<sup>57</sup> At the time of Mohammed, the Rabi'a ibn 'Amir killed Ibn at-Tofail by piercing him with a spear. They both belonged to the family of the Benu Ga'far. The Rabi'a said, "O Benu Ga'far, appoint me as judge to decide this question of death by a spear." They said, "We appoint you as judge." Then he went out until he was far from the camp of the tribe, and said, "Dig me a grave." So they digged him a grave big enough for a man to sit within. Then he said, "O Benu Ga'far, I lay my spearhead in this grave;

sprinkle earth upon it.”<sup>58</sup> It appears that this symbolic method was generally known. Burckhardt says: “To prevent blood revenge after a war the sheikhs may conclude peace on condition of remitting on both sides any blood revenge; and on this occasion they say, ‘The sheikhs have dug and buried.’ But to these terms of peace the Arabs do not willingly assent.”<sup>59</sup>

Stones may be used to keep the soul under ground. Baldensperger reports:

A pile of stones always marks the spot where a person is killed. This is done especially to keep the Mared away, who appears for a year to come on the spot. Some Mareds continue for any length of time. In a cave near Artas, and by the wayside, many credulous persons pretend to have heard occasionally the sighing of a person killed there more than fifty years ago. In one case where a Jew and Moslem were murdered: as, when they were murdered, each one tried to escape, so the spots were right and left of the road. The piles lay there for many years. When the last execution took place in Jerusalem January 1st, 1869, near the Jaffa gate, the spot was marked with stones, but the pile having to be taken away, the ghost appeared until those frequenting the locality made it a place of tethering in animals by driving in large wooden stakes or pegs.<sup>60</sup>

This same idea is found in the Old Testament when stones are used to prevent the visit of the soul (cf. Achan [Josh. 7:26], the King of Ai [8:29], and Absalom [II Sam. 18:17]). That the Hebrews covered the blood of the murdered person is seen from Judah's question to his brothers (Gen. 37:26), and the commands to cover the blood of slain animals

(Lev. 17:13) and to pour it like water on the earth so that it may seep into the ground (Deut. 12:16, 24; 15:23). Another method of disposing of the blood was to have the blood trickle in water (I Kings 18:40). It was indeed a violent murder when one did not observe these precautionary measures (Ezek. 24:7).

Through these methods the voice of the soul was hushed, although it did not go down to the grave in peace. Ezek. 21:37, "Thy blood shall be within the earth," was a fearful threat to the Ammonites that their blood would be covered with earth, and therefore the soul would be unable to cry against its slayer. Covered blood would like to break its fetters and renew its call, as will occur on the Day of Yahweh (Isa. 26:21; cf. Enoch 47:1).

Another way of keeping the blood and the soul from crying for vengeance is to effect the slaying without spilling blood; in this way one need hardly fear the cry for vengeance (cf. Gen. 37:22).

A very good way for the murderer to escape the demands of the slain and of the avenging family is to ally himself with the family, and then he is safe. Thus often the Bedouin becomes a client of the family of the slain person by appealing to their hospitality, and so long as he stays within the precincts of the encampment he has nothing to fear.<sup>61</sup> Or better, the slayer can go to the grave of the one he has killed and pitch his tent over the grave. He is then a *jar* of the murdered man.<sup>62</sup> No doubt the custom of the asylum cities developed from the

tomb as a refuge spot. Either the tomb of the murdered person or of a member of the family of the murdered person<sup>63</sup> provides the best protection. By extension of this idea, any saint's tomb might offer refuge.<sup>64</sup> Finally, the area surrounding the tomb is associated with this protective numen.<sup>65</sup> Perhaps the "mark of Cain" is connected with this idea of fictive kinship, which would prevent any harm from the slain if some of his blood were placed on the body of the killer. Robertson Smith suggests that the mark of Cain was a tribal sign giving protection to the murderer.<sup>66</sup> B. Stade supports this view.<sup>67</sup> Frazer, however, well says, "The whole drift of the narrative tends to show that the mark in question was not worn by every member of the community, but was peculiar to a murderer."<sup>68</sup> Frazer concludes that "the mark of Cain may have been a mode of disguising a homicide, or of rendering him so repulsive and formidable in appearance that his victim's ghost would either not know him or at least give him a wide berth."<sup>69</sup>

It seems more reasonable to suppose however that the mark was of blood, either of the victim or of a surrogate, similar to that of the redemption blood on the lintels. A usual Bedouin custom is for the blood avenger to stand at the upper end of the grave and to strew a handful of earth representing the family blood on all the members of the avenger's family. This makes them closely joined to the slain person, and they are thus entitled independently to pursue revenge.<sup>70</sup> Similarly, if the murderer wishes

to escape vengeance he has only to ally himself with the dead person.

Naturally it is the relatives of the slain person who are most concerned in satisfying and quieting the soul, and they can best do this by giving the soul the blood of the murderer to drink. How literally this was meant can be seen from the legend in the Talmud (*Sanhedrin* 96b) where it tells that the Babylonian captain Nebusardan, after the Temple was destroyed, came across the blood of Zechariah who had been slain at the order of Joash (II Chron. 24:20 ff.). The blood was uncovered and was seething. At Nebusardan's query, the Judaeans told him the cause of the ferment, and the captain resolved to quiet the blood. He had the descendants of the murderer killed, and their blood placed on that of Zechariah. Immediately the agitated blood subsided.

Goldziher gives instances where the prisoners of the tribe of the murderer were killed; there is one case where thirteen hundred were so killed, and the blood allowed to flow over the grave in order to give peace to the dead person.<sup>71</sup>

That this practice was known to the Hebrews can be gathered from Deut. 21:1-9. Although *D* has changed the story, the purpose of the rite of the heifer seems to be that the blood of the cow is spilled in the hope that the soul will accept the substitute. This is somewhat allied to the Bedouin custom of having the relatives of the murdered man name the suspects, who are then tried. In every case the attempt is made to satisfy the demands of vengeance.<sup>72</sup>

At all events the vengeance must if possible be taken at the spot of death. In Judg. 8:4-21, Gideon brought the murderers of his brothers to the scene of the crime.<sup>73</sup> In Deut. 21:1-9 this must have been the original idea, reworked by *D*, because the mention of running water, (v. 6) in uncultivated land (v. 4) are apparently fictitious ornamentations, based however on the notion that water will remove the perils of blood, and that uncultivated land cannot suffer famine. The heifer was a surrogate for the murderer.<sup>74</sup> This substitution of a life for a life is by no means a strange idea to the Old Testament; compare II Sam. 19:1, when David said of Absalom, "Would I had died for you." In the same way a Palestinian mother of a sick child will say, "May I die soon and not you, my son."<sup>75</sup> Blood is something like money which can be exchanged.<sup>76</sup>

It is very interesting that when a woman is a murderer, her blood is not exacted; and on the other hand, when a woman is killed, the blood money demanded is always less among the Bedouins.<sup>77</sup> We know of no woman in the Old Testament who was killed for blood revenge, or who killed another for blood revenge. Just as in Judg. 9:53 f., where Abimelech begged not to be killed by a woman, so also the Arabs think it a curse to be so killed.<sup>78</sup> As women are usually disqualified in other ritual matters, they are also disqualified in blood revenge.

At bottom, blood revenge is a ritual function. For instance, Imrulkais jubilates after avenging his father because now he can drink wine and perform

his duties without committing a sin against Allah.<sup>79</sup> Whether or not failure to avenge is regarded as an affront to the deity or to the numen of the murdered man, it is evident that a religious duty has been fulfilled when the vengeance is completed. The ritual of hand-washing which even late was a symbol of abjuring a murder (Deut. 21:6; Ps. 26:6; 73:13; Matt. 27:24) shows that such lustrations were necessary to remove the uncleanness.

In conclusion we can agree with Westermarck: "The duty of blood revenge is, in the first place, regarded as a duty to the dead, not merely because he has been deprived of his highest good, his life, but because his spirit is believed to find no rest after death until the injury has been avenged. The disembodied soul carries into its new existence an eager longing for revenge; and, till the crime has been duly expiated, hovers about the earth, molesting the manslayer or trying to compel its own relatives to take vengeance on him . . . From one point of view, blood revenge is thus a form of human sacrifice."<sup>80</sup>

#### NOTES TO CHAPTER VIII

<sup>1</sup> In *PEFQ*, 1897, p. 129.

<sup>2</sup> Thomas, *Arabia Felix*, pp. 90, 94, 142.

<sup>3</sup> E. N. Haddad in *JPOS*, I, 103, 112.

<sup>4</sup> Cook in WRS, *Religion*, p. 640. For a full discussion of modern Palestinian blood revenge see Haddad in *ZDPV*, XL, 225. For ancient Arab custom see Procksch, *Blutrache*. Merz in *BWAT*, 1916, is an excellent source, and the author is greatly indebted to him.

<sup>5</sup> W. M. Patton, in *AJT*, V, 718, asserts that the absence of any reference to Yahweh as an avenger in the narrative points to an early account. But he has overlooked Judg. 20:35.

<sup>6</sup> Budde suggests in *KHK*, p. 305, that since the priest Abiathar's entire family has been killed by Saul (I Sam. 22:18), he took his revenge through the oracle. That this was not simple blood revenge is further indicated by the fact that the execution was "before Yahweh" (v. 9). Moreover *וַיָּמֹת* is employed only one other time, for a religious crime: Num. 25:4. Besides, they were executed at the time of the harvest, and their bodies were left hanging.

<sup>7</sup> Nöldeke, *ZDMG*, XLIX, 116.

<sup>8</sup> *Bedouins and Wahabys*, p. 133.

<sup>9</sup> Interesting that both Asahel and Abner were killed by exactly the same method — they were pierced through the abdomen.

<sup>10</sup> *Kinship*, p. 417, n. 3.

<sup>11</sup> Cf. WRS, *Religion*, p. 491.

<sup>12</sup> Wellhausen, *Reste*, p. 149.

<sup>13</sup> Frazer, *FLOT*, III, 415 ff.

<sup>14</sup> Baentsch, *Bundesbuch*, p. 44; Morgenstern in *HUCA*, VII, 55; VIII, 97.

<sup>15</sup> *Gemeinwesen*, p. 10.

<sup>16</sup> Thomas, *Arabia Felix*, p. 32; Seligman, *Kababish*, p. 121; Kennett, *Bedouin Justice*, p. 55; Doughty, *Travels*, II, 449.

<sup>17</sup> Procksch, *op. cit.*, p. 71; Haddad in *JPOS*, I, 106; Patton in *AJT*, V, 709.

<sup>18</sup> Kennett, *Bedouin Justice*, p. 21.

<sup>19</sup> In *RB*, 1903, p. 253.

<sup>20</sup> L. H. Grey in *ERE*, II, 720. Perhaps the magnificent Lev. 19:18, "Thou shalt love thy neighbour as thyself," taken in consideration with the rest of the verse, "Thou shalt not take vengeance" and with the previous two verses referring also to blood revenge, stems from a protest against this ancient heartlessness.

<sup>21</sup> *Kinship*, p. 25.

<sup>22</sup> Thomas, *Arabia Felix*, pp. 23, 83.

<sup>23</sup> Wellhausen, *Gemeinwesen*, p. 10; WRS, *Kinship*, p. 43; Kennett, p. 88; but cf. exceptional cases reported by Baldensperger, *PEFQ*, 1897, p. 129.

<sup>24</sup> *Kinship*, p. 43.

<sup>25</sup> *Op. cit.*, p. 155.

<sup>26</sup> Procksch, *Blutrache*, p. 31.

<sup>27</sup> Cf. Procksch, *ibid.*, p. 32, in reference to Imrulkais.

<sup>28</sup> S. Mowinckel thinks that Job's *go'el* is not Yahweh, but Job's guardian angel; *BZAW*, Vol. XLI.

<sup>29</sup> Ezek. 25:12 ff.; Deut. 32:41 ff.; Neh. 1:9; Isa. 34:8; 35:4; Jer. 46:10; 50:15, 28; etc.

<sup>30</sup> Smith, *Early Poetry of Israel*, p. 28 and n. 2.

<sup>31</sup> The reason Saul's servants were reluctant to kill Ahimelech (v. 17) was probably because they were not sure David was guilty of blood.

<sup>32</sup> *Bedouins and Wahabys*, p. 152.

<sup>33</sup> *Arabia Felix*, p. 276.

<sup>34</sup> Jeremias, *AT im Lichte des Alten Orients*, and Benzinger, *Archaeol.*, p. 321, see here the idea of the horns of the moon. Kurt Gallin, Eichorn, and Gressmann have suggested that the horns were originally *mazzebot*. H. Obbink in *JBL*, LVI, 43, attempts to refute this theory, but he does not altogether succeed. Scheffelowitz, *AR*, XV, 451, thinks the horns are a relic of the deity in animal form. Robertson Smith thinks that the right of asylum is "governed by the principle that common things brought into contact with the holy place become holy and inviolable, like the original pertinents of the sanctuary." (*Religion*, p. 161). See bibliography given by SAC in WRS, *Religion*, p. 543. There were indeed many Semitic sanctuaries; cf. e. g., WRS, *ibid.*, p. 148 and n. 2; Jirku, *Altorient. Kommentar*, p. 94.

<sup>35</sup> *Religion*, p. 162.

<sup>36</sup> Good example is given by Thomas, *op. cit.*, p. 272:

"But have you no blood money (in England)?"

'None,' I said.

'Then the murdered man's brother or cousin does not profit a single dollar?'

'Not a single dollar,' I repeated, conscious that I was scoring very few marks indeed."

For discussion of blood money in pre-Islamic times, see M. Buttenwieser in *JAOS*, XXXIX-XL, 308; Wellhausen, *Gemeinwesen*, p. 11. For modern period see Patton in *AJT*, V, 715; Thomas, *Arabia Felix*, pp. 27, 83; Kennett, *Bedouin Justice*, p. 114; Barghuthi in *JPOS*, II, 56; Barton, *Sem. and Ham. Origins*, p. 202.

<sup>37</sup> In *HUCA*, VII, 57; VIII, 79.

<sup>38</sup> Exceptional is Deut. 13:13 ff., but here the entire town is guilty and deserving of punishment. 5:9 is but a repetition of the Exodus commandment. 7:9 is not punishment but reward "for the sake of the fathers." Against these ideas Ezekiel lifted his voice, Chap. 18, but without great result; cf. Ps. 17:14; 37:28; 109:10; Esther 9:13 ff.; Dan. 6:25.

<sup>39</sup> For discussion see J. Morgenstern in *HUCA*, VII, 58.

<sup>40</sup> In *ZAW*, VII NF, 146.

<sup>41</sup> Josephus, *Antiq.*, 13:9:1.

<sup>42</sup> *Ibid.*, 13:5:6.

<sup>43</sup> For discussion of historicity of cities as holy sites, see Nicolski, *op. cit.*, p. 174.

<sup>44</sup> Cf. Goldziher, *Muham. Stud.*, I, 41, 54.

<sup>45</sup> Cf. e. g., Baldensperger in *PEFQ*, 1897, p. 129.

<sup>46</sup> Cf. II Sam. 13:26 ff., although this is not precisely blood revenge.

<sup>47</sup> Goldziher, *Altarab. Bedouinleben*, p. 137.

<sup>48</sup> A curious custom in Sinai "compelled that the murderer's wife, sister or daughter should be compelled to marry the brother or next of

kin of the murdered man; and when she had given birth to a son, the lad was to be brought up with the tribe of the murderer until he was old enough to bear the sword; then he was to return to the other tribe, and take the dead man's place in the fighting ranks of his family. This custom however was discovered to be difficult in practice, so that a lump-sum was added to the blood-money in lieu of this curious practice.” Kennett, *Bedouin Justice*, p. 54. Also, “if a woman kill her female paternal cousin, the uncle has the right to take the murderer and marry her to one of his sons. If he declines this option, a special schedule of blood-money in camels is substituted.” *Ibid.*, p. 55.

<sup>49</sup> *Ibid.*, p. 30.

<sup>50</sup> Usually however the phrase is נָאֵל הַדָּם, though sometimes the דָם is not mentioned, e. g., Num. 35:12. But the expressions דָרְשׁ הַדָּם (Gen. 9:5, etc.) and בְּקַשׁ הַדָּם (II Sam. 4:11, etc.—without דָם, I Sam. 20:16) show that more than property restitution is the function of the *go'el*.

<sup>51</sup> Wellhausen, *Reste*, p. 122; *idem*, *Gemeinwesen*, p. 14.

<sup>52</sup> Haddad in *JPOS*, I, 104.

<sup>53</sup> Hamasa, quoted by Buttenwieser in *JAO*S, XXXIX–XL, 308.

<sup>54</sup> Klein in *MDPV*, 1899, p. 10; Canaan in *Morgenland*, XXI, 5; *idem* in *JPOS*, VI, 49.

<sup>55</sup> *Altarabisches Bedouinleben*, p. 144.

<sup>56</sup> WRS gives examples of the danger of blood touching the ground, necessitating blood revenge. *Religion*, p. 309, n. 1; p. 374.

<sup>57</sup> Schwally, *Leben nach dem Tode*, p. 52.

<sup>58</sup> Goldziher, *Altarab. Bedouinleben*, p. 146.

<sup>59</sup> *Op. cit.*, p. 147; cf. p. 155.

<sup>60</sup> In *PEFQ*, 1894, p. 143.

<sup>61</sup> Haddad in *JPOS*, I, 112.

<sup>62</sup> Procksch, *Blutrache*, p. 42.

<sup>63</sup> The Arab poet Hammad found a safe refuge at the tomb of his enemy's father. Goldziher, *Muham. Stud.*, I, 236.

<sup>64</sup> Cf. Seligman, *Kababish*, p. 122; WRS, *Kinship*, p. 21.

<sup>65</sup> Cf. G. F. Moore, article “Asylum” in *EB*; Jacob, *Altarab. Parallelen*, p. 12.

<sup>66</sup> *Kinship*, p. 251.

<sup>67</sup> In *ZAW*, XIV, 250.

<sup>68</sup> *FLOT*, I, 79.

<sup>69</sup> *Ibid.*, p. 88.

<sup>70</sup> Barghuthi in *JPOS*, II, 41.

<sup>71</sup> *Muham. Stud.*, p. 243.

<sup>72</sup> Haddad in *JPOS*, I, 110.

<sup>73</sup> Cf. also I Kings 21:19; Hos. 1:4 f.; Job 19:25; II Macc. 4:30–38.

<sup>74</sup> Cf. WRS, *Religion*, p. 420; Jacob, *Altarab. Parallelen*, p. 6.

<sup>75</sup> Canaan in *JPOS*, VII, 185.

<sup>76</sup> We have already seen that the Hebrew bloodwit did not serve to compensate for a material loss, but rather to redeem the soul of the murderer from vengeance. Perhaps here can be found the connection between the Hebrew word 血, "blood," and 錢, "money."

<sup>77</sup> Canaan in *JPOS*, XI, 202; Haddad, *JPOS*, I, 111; Baldensperger, *PEFQ*, 1897, p. 129.

<sup>78</sup> Baldensperger, *ibid.*, p. 130.

<sup>79</sup> Jacob, *Altarab. Bedouinleben*, p. 144.

<sup>80</sup> *Moral Ideas*, I, 481.

## CHAPTER IX

# THE LEVIRATE AND CIRCUMCISION

The principal blood relationships of the Hebrews have now been traced. We have noted the close solidarity of the patriarchal family groups, and the groups enlarging from the family. Institutions like blood revenge served to strengthen this solidarity. Even the dead were considered members of the blood community, and the living thought it necessary to resort to various types of ritual and sacrifice to draw close the bonds of kinship with the dead. Often an artificial kinship was devised — as with the eponymous heroes — in order to trace relationship. There remain to be discussed the levirate and circumcision, and it will be noted how the same motives dominate here too.

### I. THE LEVIRATE

It has been maintained that the levirate was a very widespread custom practiced by diverse peoples dwelling in all parts of the world and living upon varying planes of culture.<sup>1</sup> This conclusion is not certain, as Unwin notes.<sup>2</sup>

Even among the Semites and related peoples there is a decided difference in the idea of the levirate. Among the ancient Assyrians and Hittites as among the modern Bedouins, the levirate marriage was a

device to ensure that property remained in the family, the property being the person of the widow of the deceased man who had acquired her. But in addition the various codes determine precisely who is to inherit the widow and have her as a wife, in order probably to provide for certain rights of the woman, particularly the right of sexual enjoyment from the relative who inherits her.

The Hittite Law 2:79 provides: "When a man marries a woman, then the man dies, his brother may (or *must*) take the wife; otherwise (i. e., if there are no unmarried brothers) the father may (or *must*) take her; if the father then also dies, then a brother of his, who has (already) married a woman, may take her; there is no penalty attached to this."<sup>3</sup>

There seems to have been no levirate among the Babylonians,<sup>4</sup> but there are a number of stipulations similar to the levirate among the Assyrians. As Cruveilhier says: "The Assyrian regulations are chiefly concerned with what has been given for the bride, and take no account of the presence or absence of children. As a matter of fact, the only case of what can be called a levirate law regards a man, not married, but betrothed."<sup>5</sup> This refers to Middle Assyrian Law 43: If a man has solemnly designated a bride for his son, and this son dies or flees, then he may give her to any one of his remaining sons who is ten years old at least. If the father and his son, for whom a bride is designated, die, and there is a son of the latter, he shall marry the wife of his deceased father, if at least ten years of age. If not, the father of the

bride may break the engagement and give back all he has received except food.

That the Assyrian law is chiefly concerned with inheritance can be seen from other provisions: a widow living in her father's house with a child may be married to her father-in-law; if her father-in-law, as well as her husband, is dead, and she has no son, she may go wherever she pleases. Again: if a man has paid the bride-gift to his father-in-law, and his bride dies, then he may marry one of the sisters of the deceased, or he may take the silver he has given, but not the food. Further: if a man has given the bride-gift on behalf of his son, and another son dies before the marriage, he may marry the wife of his dead son to his first-named son. The first betrothal can then be broken, and the bride-gift — excepting food — must be repaid.<sup>6</sup>

Considerations of inheritance also obtain among the Bedouins. Says Burckhardt: "If a young man leaves a widow, his brother generally offers to marry her; custom does not oblige either him or her to make this match, nor can he prevent her from marrying another man. It seldom happens, however, that she refuses; for by such an union the family property is kept together."<sup>7</sup> This is confirmed by G. Jacob.<sup>8</sup>

Now the Biblical legislation motivates the levirate marriage quite differently; the economic reason does not obtain here.<sup>9</sup> As Morgenstern says: "It is no longer a mere matter of inheritance, but of perpetuating in Israel the name of the dead brother through the first male child born to the widow from her union

with her brother-in-law. This is altogether a new motif, not without occasional, though not frequent parallels in the marriage practice of other, non-Semitic peoples, but entirely without parallel in Semitic practice, at least so far as present evidence indicates. It is this motif which is characteristically Israelite, and which indicates that the institution of levirate marriage must have had an independent development in Israel.”<sup>10</sup>

A number of theories to explain the levirate have been advanced. McLennan, as has been already noted, suggested that marriage was originally polyandry, of which two types exist. In the Nair type, the woman remains with her own kin, and receives husbands of various kins; the paternity is uncertain and the child must claim kin with its mother. In the Tibetan type a group of kinsmen keep a common wife. It is suggested that the child was first reckoned as of the kin of the mother, but later (so in Tibet) the eldest kinsman is regarded as the father, and then the idea of individual fatherhood arose. The levirate marriage would belong to the Tibetan type of polyandry.<sup>11</sup> This theory was applied by Robertson Smith. Other scholars have taken a modified view of this proposal. Frazer thinks that the levirate, like the “sororate,” was changed when group marriages were abandoned. The motives controlling the institution of the levirate were now partly economic, the widow being a valuable part of the inheritance, and partly religious, offspring being necessary to the deceased to perform the rites for him.<sup>12</sup>

The most devastating criticism of the group marriage suggestion for the levirate is that this institution can be so easily explained in relation to ideas which were truly Hebraic. The group marriage suggestion falls, moreover, when we remember that the purpose of the levirate was to raise up sons to the dead man. Now if the father was not known, an institution for such a purpose could not have arisen.

One must agree fully with Morgenstern:

The distinctively Israelite element in the practice is the fact that the first born male child born from the union of the widow with her brother-in-law is, in theory at least, regarded as the child of the dead husband, and although it is not explicitly stated in this narrative (Gen. 38), perpetuates the dead man's name in Israel. Unquestionably the institution of levirate marriage practiced for this purpose is directly related to some aspect of the cult of the dead. Obviously it was the performance of some duty to the spirit or ghost of the dead man which, it was believed, only a son, and no other relative, no matter how close, could perform, or at least perform adequately and properly. Clearly the institution presupposes not only *ba'al* marriage but also the social phenomenon closely related to *ba'al* marriage, kinship traced through the father rather than through the mother.<sup>13</sup>

Now it is true that sometimes it appears that the widow was inherited — but always by the son, and this for the purpose of protecting her. The grasping Reuben, so ran the legend, seeks to seize this inheritance even in his father's lifetime (Gen. 35:22); the rebellious Absalom comes forward publicly as heir and successor to his father by taking possession of his

harem (II Sam. 16:20 ff.) — an act which in itself does not shock the moral sense of the people. Abner by appropriating Saul's concubine Rizpah infringed on the rights of Ish-bosheth (II Sam. 3:7 ff.); and when Adonijah asks the hand of Abishag he is asking a portion of the inheritance of Solomon, who at once infers his ulterior designs (I Kings 2:22, cf. v. 15). The marriage of a son with step-mother existed in Ezekiel's time (22:10).

This was of course inheritance of widows as property, but the essential difference between the cases mentioned and the levirate marriage is that in the latter, intercourse was expected to ensue for the purpose of procreation — the son to be reckoned as the dead man's. According to the Semitic conception, death does not conclude a marriage, but only divorce; and in the levirate, the relative is considered as the dead man. Thus, in Palestine the widow who subsequently marries outside the family fears that the dead man may be offended, so the widow's marriage is very simple and as noiseless as possible. The whole affair is arranged with stealth. Baldensperger says, "I have seen some men spit in the face of a widow bride, as she was accompanied by singing women and moving toward her future house and tell her, 'Fie on thee! What would your deceased husband say to all this?'"<sup>14</sup>

The oldest narrative dealing with the levirate in the Old Testament is Gen. 38. Here it is clear in this stage of the evolution of the levirate that the second brother has no alternative but to raise up seed for his

dead brother. When Tamar helped herself by tricking her father-in-law and becoming pregnant by him, he admitted that she was within her rights to go to any extreme (v. 26). This compulsion to marry one's deceased brother's widow is also the implication of Onan's act (v. 9); for had he had the option of refusing his brother's wife, this need never have taken place. The narrative is not quite clear about the legality of the procedure of the father's substituting for the deceased son. According to the Hittite practice the father does take over the wife in the event that there are no unmarried brothers, while according to the Assyrian law code, the brother must be at least ten years old. Something of this sort is reflected in the narrative of Gen. 38, but neither of the extra-Hebraic provisions is exactly paralleled. We can best assume that the father-in-law was not called upon to fulfill the levirate, but that his words condoning her action were evoked because Tamar had found it necessary to resort to this extreme method to force Judah to fulfill his obligations.

Deut. 25:5-10 specifically prescribes the duties of the levir. This *mishpat* is of two parts. Verses 5-6 provide in a general way for the duty of the levir towards his brother's wife, reflecting the practice found in Gen. 38. Verses 7-10 deal with the method of evasion by which the reluctant levir may escape from the duty. No doubt these two sections reflect different stages of the evolution. In vv. 5-6 we are told definitely that the institution applies only to brothers who actually live together as one household; the

father is certainly excluded completely from the right or duty, but this duty still seems to be absolute for the living brother. The purpose of the marriage is to perpetuate the name of the dead man, and the problem of inheritance plays no part at all in this stage of the development, unless the proscription of v. 5 that the widow must not marry outside the family has some implication of inheritance.

The next stage is depicted in vv.7-9. Here the situation is decidedly changed, for while the levirate is still limited to the brother of the deceased husband, the brother now has the option of fulfilling his duty to his dead brother or of refusing to do so. However it is clear that public opinion is in favor of the old institution, and seeks to influence him to take the widow. Now the levirate seems to be also concerned about the future of the widow. Verse 7 gives the widow leave to protest when her brother-in-law refuses to marry and/or have connection with her. The widow's lot was a difficult one at all events, but now childless, under the domination of her brother-in-law, unable to marry outside the family, her situation would have been difficult indeed if she were not given this opportunity of voicing a protest against being forced to remain in this state. Perhaps people would think her barren if she produced no children.

I. Mattuck has endeavored to prove that the levirate was designed to protect the widow, who would otherwise have been left unprotected at the death of her husband.<sup>15</sup> But quite the contrary was the case.

In the normal course of events, the widow could always marry or return to her father's house. It was the breakdown of the strict levirate law which gave greater rights to the woman, not vice versa. The woman was not only permitted to spit in the face of the levir because he had not fulfilled his duty to her and to her dead husband. She was now also able to untie herself from his domination, by the symbolic act of untying the shoes. This act was not in the nature of a disgrace to the man, but simply a sign of the conclusion of a commercial transaction by which property passed from one to another. This is noted in Ruth 4:7. An Arab widow who has married a second time does not quit her shoes till the bridegroom has paid a sum for "untangling the shoes."<sup>16</sup> Here the shoe is on the other foot, namely, the woman's instead of the man's, as in Deut. 25:9, because of course in the case cited the woman has not married her levir who would have possessed her and her property in any event, but the outsider is figuratively buying her from the dead man or his representative.

The fact that the levir who refuses to raise up children to his brother is not too severely regarded by the later *D* redactor is seen from the fact that he is not called "one who was spit upon," but simply "one who had his shoe loosened." Indeed even this formula was probably only a fiction, because the unwilling levir is called in the text, "the house of him that had his shoe loosed"—an impossible epithet.

The third stage in the development (Gen. 38 and Deut. 25:5-6 are counted as one stage) may be seen

in the book of Ruth. Ruth itself is somewhat confused about the whole problem of the levirate and the redemption of land which is closely akin to the levirate, but it can be seen that at this time the question of property rights and inheritance is the chief problem of the levirate. It is no longer the brother who is subject to the duty of the levirate marriage, but the next of kin, no matter how remote the relationship. The original consideration, and the most important one, that of producing a male child who is to be regarded as the offspring of the dead husband, is still found; but the duty of accepting the property and marrying the widow and raising up the child is not at all obligatory, and the refusal to perform the acts carries no reproach. In the case of the refusal by the first heir, the duty passes on to the next, steadily descending until presumably the entire line of male relatives is exhausted.

The fourth stage may be accepted as represented by those passages in the book of Ruth which must be late insertions, viz., 4:11b-12 and 17b-22.<sup>17</sup>

In this section it is no longer the house of the dead man, Mahlon, which is to be built up, but it is now the house of Boaz alone; and the son born of this marriage is recorded as the son of Boaz himself. This of course is contradictory to the rest of the book of Ruth, and indeed invalidates the whole idea of the original part of the book.<sup>18</sup> However it is in agreement with Gen. 46:12; Num. 26:20 f., and I Chron. 2:5. The passages thus appear to be very late when the old levirate idea has become completely outgrown.

The child born in a levirate marriage is now reckoned to the real father. By this time, the late post-Exilic, the ideas of the Prophets and the later writers — that rituals and deep social concern for the dead were decidedly anti-Yahwistic — probably prevailed to the extent of practically abolishing this ancient institution.

It remained only for Lev. 18:16 and 20:21 to abolish such marriages altogether, and our supposition that the levirate was introduced so that the male son who would be born could perform the ancestor ritual, whatever that might have precisely been, is borne out by the statement that such marriages would result in childlessness (Lev. 20:21). Clearly the levirate was regarded at the final stage as anti-Yahwistic.

## II. CIRCUMCISION

The problem of the Hebrew circumcision rite is to determine its origin and motivation; this however is largely a matter of inference, since the sources are themselves conflicting and possibly tendentious. Perhaps the best method of solving this problem would be to consider the various possibilities.

1. *Hygienic.* This explanation is very old; Herodotus asserts that the Egyptians had adopted circumcision simply for the sake of cleanliness,<sup>19</sup> and other ancient writers regard it as a prophylactic against various diseases.<sup>20</sup> Now there is a certain amount of confirmation of this theory, because among the Semites and Hamites, absence of circumcision was

regarded as uncleanness. Thus, the Egyptians mentioned circumcision in writing only once, but: "One came (?) to cut off the uncleanness before Amon."<sup>21</sup> One of the Arabic names for circumcision is *tuhr*, "cleansing," by which term it is often referred to.<sup>22</sup> Correspondingly, the uncircumcised were regarded as unclean. This was also true among the Hebrews. Thus Isa. 52:1 equates "uncircumcised" with "unclean"; and the narratives dealing with the circumcision all seem to regard the neglect of the rite as a source of danger (cf. Ezek. 31:18; 32:19-32).

But when we ask the question, "danger from what?" — we see immediately that this uncleanness was always regarded not in the hygienic but in the ritual sense. The danger was the possibility of a penalty imposed for avoiding a ritual demand. The word "unclean" נַטָּה in the contexts in which it is used means "ritually defiled." If the question is further pressed, and the theory expressed that in such cases ritual is but empiric medicine, it must be pointed out that Andree has shown that circumcised and uncircumcised peoples live in the same neighborhoods side by side, without any difference in their physical condition.<sup>23</sup> Again, as Cook has stated: "If it were merely hygienic, it would be difficult to see why it was deferred until puberty — the supposition that hygienic reasons induced the alteration of date from puberty to infancy, like the idea of physical purification, is thought to imply more observation than is usually found."<sup>24</sup>

2. *Test of Endurance.* In Arabia circumcision is

sometimes associated with a test of endurance. Doughty gives a hearsay report — later denied — that the operation is performed when the boy is ready to take a wife. The operation is carried out in the presence of the maiden whom he is to marry; and, if he shrinks from the ordeal or utters a sigh, she disdains him.<sup>25</sup> Thomas reports that in the Qara mountains batches of youths undergo what is a severe public test of their fortitude on the same day as the circumcision. A great number of men and women assemble around a large open space; on the rock in the centre sits a boy of fifteen years, a sword in his hand. This sword, which has been blunted for the occasion, he throws into the air to catch again in its descent, his palm clasping the naked blade.<sup>26</sup> However, both the cases cited by Doughty and Thomas refer to Arab tribes noted for their ferocity, and their methods of circumcision are the exception rather than the rule. Stolidity is an absolute requisite in many rites besides circumcision, especially those of any sort of initiatory character. Besides, circumcision is often performed without any pain whatsoever.<sup>27</sup>

3. *Tribal Mark.* Barton<sup>28</sup> and others suggest that originally circumcision was a brand marking members of the tribe. Thus, Gen. 17:10-14; Exod. 4:24 ff.; 12:48 are supposed to show that circumcision was the token of a covenant between Yahweh and Abraham. Benzinger argues that circumcision was a badge of the tribe because circumcision was performed at the time of marriage. "The full grown man becomes

for the first time the fully invested member of the tribe, and, in particular, capable of taking part in its religious functions. It is fitting that he should wear the badge of his tribe.”<sup>29</sup> H. Zidner maintains that the mark of Cain was a tribal mark, and therefore circumcision.<sup>30</sup> Lods also agrees that circumcision was a tribal mark.<sup>31</sup>

Now, while it is quite true that circumcision gave the Hebrews a certain sense of solidarity, the objection to taking this rite as a tribal mark is the fact that the concealment of the part of the body affected by such a mark renders this explanation improbable. Besides, it may be assumed that most of the groups in the Hamitic-Semitic area were circumcised, so that no differentiation could be made by this rite.<sup>32</sup>

4. *Social Distinction.* R. Reitzenstein maintains that according to the Strassburg papyri texts, circumcision was confined to the Egyptian priests, and he therefore assumes that this was the case in ancient Israel.<sup>33</sup> But it does not seem that even his first contention is correct,<sup>34</sup> much less the second.

5. *To Increase Sexual Pleasure.* Philo<sup>35</sup> and Maimonides<sup>36</sup> suggested that the object of circumcision was to check lust. Burton suggests the contrary.<sup>37</sup> Neither explanation however is supported by Semitic documentation.

6. *Mark of Subjection.* Herbert Spencer supposed that the circumcision “was a mark of subjection introduced by conquering warriors to supersede the punishment by death”<sup>38</sup>—but there is absolutely no evidence for this.

7. *Derived from Women's Rites.* Briffault says that "there are grounds for regarding the circumcision in the male as having arisen in the first instance as an imitation of those mutilations of the female genital organs which were themselves originally forms of instrumental defloration."<sup>39</sup>

There is no doubt that various surgical operations on women's generative organs have been practiced by the Semites and Hamites,<sup>40</sup> but they seem to be performed for other reasons than the circumcision, unless such operations are themselves imitations of the male rite.

8. *Masochism, Father-Hostility, etc.* Many psycho-analytic explanations have been offered for the rite,<sup>41</sup> but this science is still too undeveloped to explain adequately the motives of men.

9. *Connected with Belief in Re-incarnation.* Frazer suggests that "the removal of a vital part of the person shall serve as a link between two successive incarnations, by preparing for the novice a new body to house his spirit when its present tabernacle shall have worn out."<sup>42</sup> In this connection Frazer calls attention to Ezek. 32:19, 21, 24 ff.—but these passages do not necessarily imply that the uncircumcised were debarred from resurrection.

10. *Phallicism and Fertility Rite.* It is true that the genitals possessed a certain sacredness (Gen. 24:2, 9; 35:11; I Kings 8:19), and attempts have been made to interpret circumcision as the sanctification of the generative faculties. But the Semites never developed phallicism into an organized cult, and we can agree

with Cook that phallicism is an insufficient explanation.<sup>43</sup>

Barton seeks to prove that the fertility cult was a most important element in the ancient culture pattern, and he comes to the conclusion that "the circumstances under which it is performed in Arabia point to the origin of circumcision as a sacrifice to the deity of fertility, by which the child was placed under her protection and its reproductive powers consecrated to her service."<sup>44</sup>

Without taking up each point that Barton brings forward in evidence of this theory, it is enough to say that he adduces no actual proof of this contention.<sup>45</sup>

*11. Sacrifice and Initiation.* The only valid explanation for the circumcision seems to be found in understanding this rite as a sacrifice, perhaps a ritual of the cult of the dead. From this motif, circumcision developed into an initiatory rite.

From human sacrifice to circumcision is a transition less violent than would first appear. We have already noted that originally human sacrifice of the first-born was considered obligatory, and was probably intended as a dedication of blood and life to the manes. Various substitutes were provided to act in the stead of this first-born, and on the Passover, when the danger was particularly great, a lamb was killed and its blood placed at the threshold to protect the child from harm. This lamb was not to be older than a year (Exod. 12:5; etc.). Exod. 22:28 f. explicitly states: "The first-born of thy sons thou shalt give unto Me. Likewise shalt thou do with thine oxen, and

with thy sheep; seven days it shall be with its dam; on the eighth day thou shalt give it Me." In other words, it is implied that the first-born of men are also to be sacrificed on the eighth day. Exod. 13:11 ff. provides for redemption of the ass and man, valuable chattels. In this passage too, the redemption is connected with the Passover.<sup>46</sup> The redemption is also related to the Passover in the later codes (Num. 8:16 ff.; 18:15 ff.; Deut. 15:19 ff.; etc.). It appears that sometimes the redemption sacrifice was made on the eighth day and that sometimes it was made on the Passover.

Now there seems to be a similar confusion about the circumcision. Gen. 17:12; 21:4; Lev. 12:3 enjoin the rite on the eighth day, while Josh. 5:2 ff. records that the general circumcision of those who were to enter Canaan occurred on Passover. From the Joshua narrative we see that those who came into the new land, who wished to ally themselves with a new group, had to circumcise themselves, and from what we have previously seen about the Passover, we can understand that this sacrifice was made to the manes of the group. This Joshua passage has been considerably reworked, but it strongly reminds us of the story of Jacob's encounter at the Jabbok (Gen. 32:23 ff.) which also seems to record the reluctance of the genius of the country to permit a male adult stranger to enter. It was only when the dawn arose and Jacob had been hurt on the thigh that he was permitted to enter the land triumphantly. This story is very difficult, and a critical study of the narrative will not

bring us very much closer to the facts, but there are here obscure hints to a sacrifice of a part for the whole. It is further of interest that Jacob's objective was Shechem (Gen. 33:18) which of course is traditionally linked with the circumcision of foreigners (Gen. 34).

The fragment, Exod. 4:24-26, is also helpful. This probably belongs to the *K* code.<sup>47</sup> The *K* code as we have it does not record Moses' birth and early life in Egypt, although it may have formed a part of the original document. At any event *K* records Moses' contact with the Kenite tribe and his marriage to a relative of Hobab. After a time, at the bidding of Yahweh, the Kenite tribal god, although without knowing his name, Moses returned to Egypt, accompanied by his wife and one of his sons. On the way the party had an encounter with Yahweh. These few verses which tell of this encounter are quite obscure, and have been translated and interpreted many different ways, but it seems that the following is probably the correct interpretation: Yahweh came upon Moses at the circumcision place and sought to kill him; but Zipporah took a flint, cut off the foreskin of her son and touched Moses' membrum with it, saying, "Now thou art my bloody bridegroom." Assuming that this is the correct interpretation, we see that Moses was in jeopardy of his life because he had never been circumcised, and in fact did not know that Yahweh required it. Zipporah however who was acquainted with the demands of Yahweh saved Moses' life by disguising him. She made Yahweh

think that Moses had indeed been circumcised. Moses was now safe, and instead of taking the life of the stranger who had ventured to the boundaries of the country (presumably) at the circumcision place, the genius of the group spared his life because he had offered a part of himself and his blood to this genius.

Thus we quickly arrive at the second motif of the circumcision, namely, an initiatory rite — and this it can be seen is immediately connected with the first motif, the sacrificial. Whenever a male of one group wished to affiliate himself by marriage with another group, it was necessary to offer a part of himself, together with blood, to the manes of the group. Gen. 34 records such a situation.

That circumcision at marriage was a sacrifice to the family cult is borne out by the fact that the word for circumcision in Arabic, and probably originally in Hebrew, is related to the Hebrew *לְחִזָּקָה*, a relative of the wife, specifically the father-in-law. In other words the circumcision is performed, not by one who belongs to the group of the circumcised, but the rite is carried out by a member of the group into which he is marrying.<sup>48</sup>

So we come to the conclusion that circumcision was originally a sacrifice of a part for the whole to the numen of the family. A number of traditions are recorded: (a) that the sacrifice took place at the time of birth or shortly thereafter within the first year but usually on the eighth day; (b) that the sacrifice took place before the Passover within the first year;

(c) that the sacrifice took place on entering Canaan or approaching its border; (d) that the sacrifice took place at the time of marriage.

This same vacillation is found among the Arabs. In early Arabia the operation seems to have been ordinarily deferred until puberty, a fact which seems to be reflected in Gen. 17:25. Mohammed is said like other prophets to have been born *sine praeputio*. Indeed it is a popular Arab belief that babies born with a short prepuce will be fortunate, for they have "an angel's circumcision," and the child will be spared the demons who prefer male children. Mohammed selected the eighth day (or as the Moslems call it, the seventh — the day of birth not being included) for his grandsons; and this day is recommended by many jurists. A theory advanced by some authorities is that, failing the eighth day, it should be done on the fortieth; failing that, in the seventh year. Another opinion is that it should be delayed until the tenth year. Travellers in Palestine and Arabia report many dates, but almost always circumcision is carried out sometime before death (occasionally even after death) and generally, at the time of marriage.<sup>49</sup>

It is further of interest that it is customary among the modern Arabs of Palestine to offer sacrifices in connection with the circumcision of boys. They are brought to the shrines at the great annual festivals and sacrifices of sheep are offered before the door, the blood of the victims being placed on the threshold.<sup>50</sup>

Miss Blackman observes that a relief in an Old Kingdom tomb chapel depicts the circumcision of

two boys, the operation being performed by a funerary priest. These boys seem to be tall and of the nubile age.<sup>51</sup> G. E. Smith suggests that since examination of the bodies of the earliest pre-dynastic Egyptian mummies that have come to light shows that only the adult males were circumcised, while among the mummies found in the tomb of Amenhotep II there is a boy of eleven who was uncircumcised — therefore circumcision must have been a preparation for marriage.<sup>52</sup> This is of course quite possible. But if the Egyptian followed the Semitic pattern, or vice versa, it is not marriage per se which induces circumcision, but becoming a member of the new kinship group.

Again we note the remarkable fact that the Prophets on the whole took the same attitude toward circumcision as they held toward sacrifice; that is, they looked upon the rite as of no consequence, so far as the worship of Yahweh was concerned, and perhaps even as anti-Yahwistic. Thus Jeremiah is no more concerned with the circumcision of the Israelites than with the non-circumcision of "all the nations," for they have not "circumcised their heart" (Jer. 9:25 f.; cf. 4:4; 6:10; Lev. 26:41). Nowhere in Deuteronomy is circumcision as a physical act enjoined.

In all the blood relationships of the Old Testament we have observed the progress made from the lowest to the highest; from narrow clannishness to the broadest universalism; from ghosts to God; from fear to love.

## NOTES TO CHAPTER IX

<sup>1</sup> Westermarck, *Marriage*, III, 208; Briffault, *Mothers*, I, 761; Scheftelowitz in *AR*, XVIII, 350.

<sup>2</sup> *Sex and Culture*, p. 440, cf. 33: "I am not confident that every one of these 'authorities' (quoted by Westermarck and Briffault) made exhaustive inquiries into the widow's rights; nor am I satisfied that every reported example of the levirate among uncivilized peoples was identical with the Israelite institution. Moreover, we are not always told whether the brother who took the widow was performing a duty or exercising a right."

<sup>3</sup> Friedrich-Zimmern, in *AO*, XXIII, 2; cf. Jirku, *op. cit.*, p. 123; Hempel, *Althebräische Literatur*, p. 77.

<sup>4</sup> Cook, *Laws of Moses*, p. 144, n. 3; Mercer in *JSOR*, V, 57.

<sup>5</sup> In *RB*, XXXIV, 533.

<sup>6</sup> Cf. Driver and Miles, *op. cit.*, p. 240.

<sup>7</sup> *Bedouins and Wahabys*, p. 112; cf. Wellhausen, *Ehe*, p. 453.

<sup>8</sup> *Altarab. Parallelen*, p. 14.

<sup>9</sup> But the economic point of view is maintained by Driver in *ICC to Deuteronomy* to Deut. 25 and by Bensinger, *Archäologie*, pp. 113, 288.

<sup>10</sup> In *HUCA*, VII, 161.

<sup>11</sup> *Studies in Ancient History*, 2nd ser.

<sup>12</sup> *Totemism and Exogamy*, I, 501.

<sup>13</sup> Morgenstern thinks that the *beena* marriage preceded the *ba'al*, and that therefore the levirate is not an ancient institution; see however, *supra*, Chap. I. The motives of the levirate are of the oldest.

<sup>14</sup> In *PEFQ*, 1894, p. 138. Cf. Granqvist, *Marriage*, II, 297.

<sup>15</sup> In *Studies in Honor of K. Kohler*, p. 210.

<sup>16</sup> Baldensperger in *PEFQ*, 1894, p. 139.

<sup>17</sup> Cf. Morgenstern, *HUCA*, VII, 177; his analysis of the whole problem is masterly. Generally, this survey follows his. So also does Burrows', in *JBL*, LIX, 23. For good bibliography on levirate marriage, see Mittelman, *Altisraelitische Levirat*.

<sup>18</sup> J. A. Bewer in *AJS*, XIX, 143; XX, 202, even ventures to suggest that the whole theme of the *go'el* in the book of Ruth is an insertion. Burrows in *JBL*, LIX, 445, reviews some of the difficulties encountered in understanding the levirate, redemption and inheritance in the book of Ruth.

<sup>19</sup> *History*, II, 37.

<sup>20</sup> Philo, *De Circumcisione*, II, 210; Josephus, *Contra Apion*, II, 13.

<sup>21</sup> A. Wiedemann in *OLZ*, 1903, pp. 97 ff.; *idem* in *AAg*, 1920, p. 141.

<sup>22</sup> Margoliouth in *ERE*, III, 677; cf. Thomas, *Arabia Felix*, p. 71.

<sup>23</sup> In *AAn*, XIII, 78.

<sup>24</sup> In *WRS, Religion*, p. 608.

<sup>25</sup> *Arabia Deserta*, I, 128.<sup>26</sup> *Arabia Felix*, p. 71.<sup>27</sup> Doughty, *op. cit.*, I, 391.<sup>28</sup> *Sketch of Semitic Origins*, p. 98.<sup>29</sup> In *EB*, p. 831.<sup>30</sup> In *ZAW*, XVIII, 120.<sup>31</sup> *Israel*, p. 325.<sup>32</sup> Cf. Breasted, *Dawn of Conscience*, p. 353; Barton, *Sem. and Ham. Origins*, p. 368; C. G. Seligman in *JRAI*, XLIII, 639.<sup>33</sup> *Zwei religionsgeschichtliche Fragen nach ungedruckten griechischen Texten der Strassburger Bibliothek*, 1901, quoted by Jirku, *op. cit.*, p. 53.<sup>34</sup> Cf. Wiedeman, *OLZ*, 1903, p. 97.<sup>35</sup> *De Circumcisione*, II, 210.<sup>36</sup> *More Nebuchim*, XLIX, 391.<sup>37</sup> In *MAS*, I, 318.<sup>38</sup> Quoted by Jacobs in *JE*, IV, 98.<sup>39</sup> *The Mothers*, III, 325.<sup>40</sup> Cf. Seligman in *JRAI*, XLIII, 646; Barton in *ERE*, III, 679.<sup>41</sup> Cf. A. Cronbach in *HUCA*, VIII, 630, 643, 646, 649, 654 f., 657 f., 660 f.<sup>42</sup> In *IR*, IV, 204.<sup>43</sup> In *WRS*, *Religion*, p. 609; cf. p. 688.<sup>44</sup> *Sem. and Ham. Origins*, p. 149.<sup>45</sup> A number of supplementary explanations of circumcision have not been mentioned, since they do not appear to be in the least satisfactory. See, e. g., Crawley, *Mystic Rose*, I, 171; Westermarck, *Marriage*, p. 563.<sup>46</sup> Exod. 12:48 rules that the alien has to be circumcised to partake of the Passover feast.<sup>47</sup> See Morgenstern, *HUCA*, IV, 51. The interpretation here of Exod. 4:24–26 is not that given by Morgenstern, but it does not seem worth while to elaborate the discussion of this section. It would lead us too far afield.<sup>48</sup> Gen. 17:12 f. prescribes that all those who are acquired by the family must be circumcised; cf. Exod. 12:48; etc.<sup>49</sup> Margoliouth in *ERE*, III, 678; Canaan, *JPOS*, VII, 164, etc.<sup>50</sup> Curtiss, *Prim. Sem. Rel.*, pp. 178, 192.<sup>51</sup> *Fellahin of Upper Egypt*, p. 290.<sup>52</sup> In *JMES*, 1912, p. 75.

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*JPOS: Journal of the Palestine Oriental Society.*

*JQR: Jewish Quarterly Review.*

*JRAI: Journal of the Royal Anthropological Institute.*

*JRAS: Journal of the Royal Asiatic Society.*

*JSOR: Journal of the Society of Oriental Research.*

*JTS: Journal of Theological Studies.*

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*ZA: Zeitschrift für Assyriologie.*

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*ZDPV: Z. des deutschen Palästina-Vereins.*

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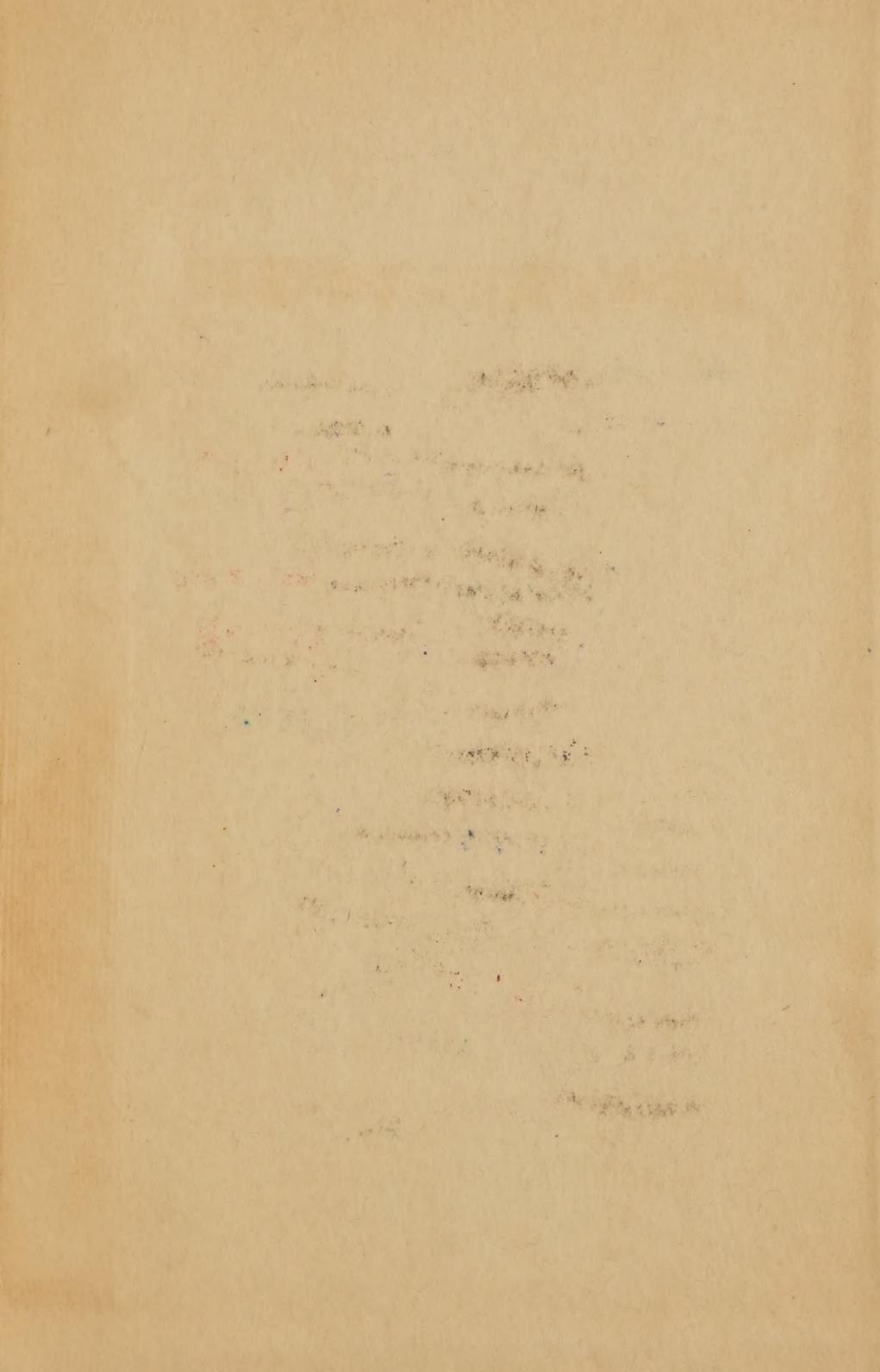
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